

the rate of delivery of such supplies or services; and

(C) the specifications for the supplies or services are expected to be reasonably stable.

(4) The risks relating to the prospective contractor's ability to perform in accordance with the specifications and other terms of the contract are not excessive.

(5) The use of a multiyear contract will not inhibit small business concerns in competing for the contract.

(6) In the case of the procurement of a pharmaceutical item for which a patent has expired less than four years before the date on which the solicitation of offers is issued, there is no substantial likelihood that increased competition among potential contractors would occur during the term of the contract as the result of the availability of generic equivalents increasing during the term of the contract.

(b)(1) A multiyear contract authorized by this section shall contain—

(A) a provision that the obligation of the United States under the contract during any fiscal year which is included in the contract period and is subsequent to the fiscal year during which the contract is entered into is contingent on the availability of sufficient appropriations (as determined by the Administrator pursuant to paragraph (2)(A) of this subsection) if, at the time the contract is entered into, appropriations are not available to cover the total estimated payments that will be required during the full term of the contract; and

(B) notwithstanding section 1502(a) of title 31, a provision for the payment of reasonable cancellation charges to compensate the contractor for nonrecurring, unrecovered costs, if any, if the performance is cancelled pursuant to the provision required by subparagraph (A) of this paragraph.

(2)(A) If, during a fiscal year after the fiscal year during which a multiyear contract is entered into under this section, the Administrator determines that, in light of other funding needs involved in the operation of Veterans' Administration health-care programs, the amount of funds appropriated for such subsequent fiscal year is not sufficient for such contract, the Administrator shall cancel such contract pursuant to the provisions required by paragraph (1)(A) of this subsection.

(B) Cancellation charges under a multiyear contract shall be paid from the appropriated funds which were originally available for performance of the contract or the payment of cancellation costs unless such funds are not available in an amount sufficient to pay the entire amount of the cancellation charges payable under the contract. In a case in which such funds are not available in such amount, funds available for the procurement of supplies and services for use for the same purposes as the supplies or services procured through such contract shall be used to the extent necessary to pay such cost.

(c) Nothing in this section shall be construed so as to restrict the Administrator's exercise of

the right to terminate for convenience a contract under any other provision of law which authorizes multiyear contracting.

(d) The Administrator shall prescribe regulations for the implementation of this section.

(e) For the purposes of this section:

(1) The term "appropriations" has the meaning given that term in section 1511 of title 31.

(2) The term "cancel" or "cancellation" refers to the termination of a contract by the Administrator as required under paragraph (2)(B)(i) of this subsection.

(3) The term "multiyear contract" means a contract which by its terms is to remain in effect for a period which extends beyond the end of the fiscal year during which the contract is entered into but not beyond the end of the first fiscal year following such fiscal year. Such term does not include a contract for construction or for a lease of real property.

(4) The term "nonrecurring, unrecovered costs" means those costs reasonably incurred by the contractor in performing a multiyear contract which (as determined under regulations prescribed under subsection (d) of this section) are generally incurred on a one-time basis.

(Added Pub. L. 100-322, title IV, § 404(a), May 20, 1988, 102 Stat. 545.)

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

CHAPTER 3—VETERANS' ADMINISTRATION; OFFICERS AND EMPLOYEES

SUBCHAPTER I—VETERANS' ADMINISTRATION

Sec.

- 201. Veterans' Administration an independent agency.
- 202. Seal of the Veterans' Administration.
- 203. Availability of appropriations.

SUBCHAPTER II—ADMINISTRATOR OF VETERANS' AFFAIRS

- 210. Appointment and general authority of Administrator; Deputy Administrator.
- 211. Decisions by Administrator; opinions of Attorney General.
- 212. Delegation of authority and assignment of duties.
- 213. Contracts and personal services.
- 214. Reports to the Congress.
- 215. Publication of laws relating to veterans.
- 216. Assistance to certain rehabilitation activities.
- 217. Studies of rehabilitation of disabled persons.
- 218. Security and law enforcement on property under the jurisdiction of the Veterans' Administration.
- 219. Evaluation and data collection.
- 220. Coordination and promotion of other programs affecting veterans and their dependents.
- 221. Advisory Committee on Former Prisoners of War.
- 222. Advisory Committee on Women Veterans.

- Sec.
223. Rulemaking; procedures and judicial review.¹
223. Administrative settlement of tort claims.¹

SUBCHAPTER III—VETERANS' ADMINISTRATION REGIONAL OFFICES; EMPLOYEES

230. Central and regional offices.
231. Placement of employees in military installations.
[232. Repealed.]
233. Employees' apparel; school transportation; recreational equipment; visual exhibits; personal property; emergency transportation of employees.
234. Telephone service for medical officers and facility directors.
235. Benefits to employees at overseas offices who are United States citizens.
236. Administrative settlement of tort claims arising in foreign countries.

SUBCHAPTER IV—VETERANS OUTREACH SERVICES PROGRAM

240. Purpose; definitions.
241. Outreach services.
242. Veterans assistance offices.
243. Outstationing of counseling and outreach personnel.
244. Utilization of other agencies.
245. Report to Congress.
246. Veterans cost-of-instruction payments to institutions of higher learning.

AMENDMENTS

1988—Pub. L. 100-687, div. A, title I, § 102(a)(2), Nov. 18, 1988, 102 Stat. 4106, added item 223 relating to rulemaking.

Pub. L. 100-322, title I, § 132(b), title II, § 203(b)(2), May 20, 1988, 102 Stat. 507, 510, added item 216 and item 223 relating to administrative settlement of tort claims.

1984—Pub. L. 98-528, title I, § 101(a)(3), Oct. 19, 1984, 98 Stat. 2688, amended item 218 generally.

Pub. L. 98-528, title I, § 106(b)(2), Oct. 19, 1984, 98 Stat. 2690, substituted "other programs" for "other Federal programs" in item 220.

1983—Pub. L. 98-160, title III, § 301(b), Nov. 21, 1983, 97 Stat. 1004, added item 222.

1982—Pub. L. 97-306, title II, § 201(b), Oct. 14, 1982, 96 Stat. 1433, substituted "Outstationing of counseling and outreach personnel" for "Veterans' representatives" in item 243.

1981—Pub. L. 97-37, § 2(b), Aug. 14, 1981, 95 Stat. 936, added item 221.

1980—Pub. L. 96-466, title VII, § 701(b)(2), Oct. 17, 1980, 94 Stat. 2215, inserted "and promotion" after "Coordination" in item 220.

1979—Pub. L. 96-22, title V, § 503(c)(2), June 13, 1979, 93 Stat. 65, substituted "overseas" for "oversea" in item 235.

1977—Pub. L. 95-202, title III, § 310(b)(2), Nov. 23, 1977, 91 Stat. 1449, added item 246.

1978—Pub. L. 94-581, title II, § 205(c)(2), Oct. 21, 1976, 90 Stat. 2859, struck out item 216 "Research by Administrator; indemnification of contractors."

Pub. L. 94-424, § 2(b), Sept. 28, 1976, 90 Stat. 1332, added item 203.

1974—Pub. L. 93-508, title II, §§ 213(b), 214(b), Dec. 3, 1974, 88 Stat. 1587, 1589, added items 219, 220, and 243 and renumbered former items 243 and 244 as 244 and 245, respectively.

1973—Pub. L. 93-82, title IV, § 402(b), Aug. 2, 1973, 87 Stat. 196, substituted "medical officers and facility directors" for "medical officers" in item 234.

Pub. L. 93-43, § 4(c)(1), June 18, 1973, 87 Stat. 79, added item 218.

1970—Pub. L. 91-219, title II, 214(b), Mar. 26, 1970, 84 Stat. 85, added subchapter IV.

1969—Pub. L. 91-24, § 2(b), June 11, 1969, 83 Stat. 33, struck out item 232 "Employment of translators."

1966—Pub. L. 89-785, title III, § 303(c), Nov. 7, 1966, 80 Stat. 1377, inserted "; emergency transportation of employees" in item 233.

Pub. L. 89-361, § 1(c), Mar. 7, 1966, 80 Stat. 29, inserted "; Deputy Administrator" in item 210.

1965—Pub. L. 89-300, § 1(b), Oct. 28, 1965, 79 Stat. 1110, added item 236.

1964—Pub. L. 88-433, § 1(d), Aug. 14, 1964, 78 Stat. 442, inserted "; indemnification of contractors" in item 216.

1962—Pub. L. 87-815, § 6(b), Oct. 15, 1962, 76 Stat. 927, substituted "at oversea offices" for "in the Republic of the Philippines", in item 235.

Pub. L. 87-574, § 1(2), Aug. 6, 1962, 76 Stat. 308, inserted "; personal property" in item 233.

1959—Pub. L. 86-116, § 2, July 28, 1959, 73 Stat. 265, added item 235.

SUBCHAPTER I—VETERANS' ADMINISTRATION

§ 201. Veterans' Administration an independent agency

The Veterans' Administration is an independent establishment in the executive branch of the Government, especially created for or concerned in the administration of laws relating to the relief and other benefits provided by law for veterans, their dependents, and their beneficiaries.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1114.)

CHANGE OF NAME

Reference to Veterans' Administration deemed to refer to Department of Veterans Affairs pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note below.

DEPARTMENT OF VETERANS AFFAIRS ACT

Pub. L. 100-527, §§ 1-12, 14, 16, 18, Oct. 25, 1988, 102 Stat. 2635-2642, 2644, 2645, 2648, provided that:

"SECTION 1. SHORT TITLE.

"This Act [amending sections 210 and 1000 of this title, section 19 of Title 3, The President, sections 101 and 5312 to 5316 of Title 5, Government Organization and Employees, and sections 2 and 11 of the Inspector General Act of 1978, Pub. L. 95-452, set out in the Appendix to Title 5, and enacting provisions set out as notes under sections 201 and 210 of this title and section 901 of Title 5] may be cited as the 'Department of Veterans Affairs Act'.

"SEC. 2. ESTABLISHMENT OF VETERANS' ADMINISTRATION AS AN EXECUTIVE DEPARTMENT.

"The Veterans' Administration is hereby redesignated as the Department of Veterans Affairs and shall be an executive department in the executive branch of the Government. There shall be at the head of the Department a Secretary of Veterans Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate. The Department shall be administered under the supervision and direction of the Secretary.

"SEC. 3. PRINCIPAL OFFICERS.

"(a) DEPUTY SECRETARY.—There shall be in the Department of Veterans Affairs a Deputy Secretary of Veterans Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall perform such functions as the Secretary shall prescribe.

"(b) CHIEF MEDICAL DIRECTOR.—(1) There shall be in the Department a Chief Medical Director, who shall

¹ Two sections 223 have been enacted.

be a doctor of medicine and shall, subject to subsection (f), be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation or activity and solely on the basis of integrity and demonstrated ability in the medical profession, in health-care administration and policy formulation, and in health-care fiscal management, and on the basis of substantial experience in connection with the programs of the Veterans Health Services and Research Administration or programs of similar content and scope. The Chief Medical Director shall be the head of, and shall be directly responsible to the Secretary for the operations of, the Veterans Health Services and Research Administration. The Chief Medical Director shall be appointed for a period of four years, with reappointment permissible for successive like periods. If the President removes the Chief Medical Director prior to the completion of the term for which the Chief Medical Director is appointed, the President shall communicate the reasons for such removal to both Houses of Congress.

"(2)(A) Whenever a vacancy in the position of Chief Medical Director occurs or is anticipated, the Secretary of Veterans Affairs shall establish a commission to recommend individuals to the President for appointment to the position.

"(B) A commission established under this paragraph shall be composed of the following members appointed by the Secretary:

"(i) Three persons representing clinical care and medical research and education activities affected by the Veterans Health Services and Research Administration.

"(ii) Two persons representing veterans served by the Veterans Health Services and Research Administration.

"(iii) Two persons who have experience in the management of veterans health services and research programs, or programs of similar content and scope.

"(iv) The Deputy Secretary of Veterans Affairs.

"(v) The Chairman of the Special Medical Advisory Group established under section 4112 of title 38, United States Code.

"(vi) One person who has held the position of Chief Medical Director, if the Secretary determines that it is desirable for such person to be a member of the Commission.

"(C) A commission established under this paragraph shall recommend at least three individuals for appointment to the position of Chief Medical Director. Such commission shall submit all recommendations to the Secretary. The Secretary shall forward such recommendations to the President with any comments the Secretary considers appropriate. Thereafter, the President may request such commission to recommend additional individuals for appointment.

"(D) The Assistant Secretary or Deputy Assistant Secretary of Veterans Affairs who performs personnel management and labor relations functions shall serve as the executive secretary of a commission established under this paragraph.

"(c) **CHIEF BENEFITS DIRECTOR.**—(1) There shall be in the Department a Chief Benefits Director, who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation or activity and solely on the basis of integrity and demonstrated ability in fiscal management and the administration of programs within the Veterans Benefits Administration or programs of similar content and scope. The Chief Benefits Director shall be the head of, and shall be directly responsible to the Secretary for the operations of, the Veterans Benefits Administration. The Chief Benefits Director shall be appointed for a period of four years, with reappointment permissible for successive like periods. If the President removes the Chief Benefits Director prior to the completion of the term for which the Chief Benefits Director is appointed, the President shall communicate the reasons for such removal to both Houses of Congress.

"(2)(A) Whenever a vacancy in the position of Chief Benefits Director occurs or is anticipated, the Secretary of Veterans Affairs shall establish a commission to recommend individuals to the President for appointment to the position.

"(B) A commission established under this paragraph shall be composed of the following members appointed by the Secretary:

"(i) Three persons representing education and training, real estate, mortgage finance, and related industries, and survivor benefits activities affected by the Veterans Benefits Administration.

"(ii) Two persons representing veterans served by the Veterans Benefits Administration.

"(iii) Two persons who have experience in the management of veterans benefits programs or programs of similar content and scope.

"(iv) The Deputy Secretary of Veterans Affairs.

"(v) The Chairman of the Veterans' Advisory Committee on Education formed under section 1792 of title 38, United States Code.

"(vi) One person who has held the position of Chief Benefits Director, if the Secretary determines that it is desirable for such person to be a member of the Commission.

"(C) A commission established under this paragraph shall recommend at least three individuals for appointment to the position of Chief Benefits Director. Such commission shall submit all recommendations to the Secretary. The Secretary shall forward such recommendations to the President with any comments the Secretary considers appropriate. Thereafter, the President may request such commission to recommend additional individuals for appointment.

"(D) The Assistant Secretary or Deputy Assistant Secretary of Veterans Affairs who performs personnel management and labor relations functions shall serve as the executive secretary of a commission established under this paragraph.

"(d) **DIRECTOR OF NATIONAL CEMETERY SYSTEM.**—There shall be in the Department of Veterans Affairs a Director of the National Cemetery System, who—

"(1) shall be appointed by the President, by and with the advice and consent of the Senate;

"(2) shall serve as the head of the National Cemetery System provided for in section 1000 of title 38, United States Code; and

"(3) shall perform such functions as may be assigned by the Secretary.

"(e) **CONTINUATION OF SERVICE OF ADMINISTRATOR AND DEPUTY ADMINISTRATOR.**—The individuals serving as Administrator and Deputy Administrator of Veterans' Affairs on the effective date of this Act [Mar. 15, 1989] may act as Secretary and Deputy Secretary of the Department, respectively, until the date an individual is appointed under this Act to the office concerned, or until the end of the 120-day period provided for in section 3348 of title 5, United States Code (relating to limitations on the period of time a vacancy may be filled temporarily), whichever is earlier.

"(f) **CONTINUATION OF SERVICE OF CHIEF MEDICAL DIRECTOR.**—The individual serving as Chief Medical Director on the effective date of this Act may continue to serve in that capacity until the expiration of the term prescribed by section 4103(b)(1) of title 38, United States Code, unless removed by the Secretary of Veterans Affairs for cause in accordance with section 4103(b)(3) of such title.

"(g) **CONTINUATION OF SERVICE OF CHIEF BENEFITS DIRECTOR.**—The individual serving as Chief Benefits Director on the effective date of this Act may continue to serve in that capacity until an individual is appointed under this Act to that office.

"(h) **CONTINUATION OF SERVICE OF DIRECTOR, NATIONAL CEMETERY SYSTEM.**—The individual serving as Director, National Cemetery System on the effective date of this Act may act as the Director of the National Cemetery System until an individual is appointed under this Act to that office.

"SEC. 4. ASSISTANT SECRETARIES.

"(a) **ESTABLISHMENT OF POSITIONS.**—There shall be in the Department of Veterans Affairs not more than 6 Assistant Secretaries, each of whom shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) **FUNCTIONS OF ASSISTANT SECRETARIES.**—The Secretary shall assign to Assistant Secretaries such functions as the Secretary considers appropriate, including the following functions:

"(1) Budgetary and financial functions.

"(2) Personnel management and labor relations functions.

"(3) Planning, studies, and evaluations.

"(4) Management, productivity, and logistic support functions.

"(5) Information management functions as required by section 3506 of title 44, United States Code.

"(6) Capital facilities and real property program functions.

"(7) Equal opportunity functions.

"(8) Functions regarding the investigation and adjudication of complaints of employment discrimination within the Department.

"(9) Functions regarding intergovernmental, public, and consumer information and affairs.

"(10) Procurement functions.

"(c) **CHIEF FINANCIAL OFFICER.**—(1) The Secretary shall designate the Assistant Secretary whose functions include budgetary and financial functions as the Chief Financial Officer of the Department.

"(2) The Chief Financial Officer shall—

"(A) advise the Secretary on financial management of the Department;

"(B) develop and maintain a financial management system for the Department (including accounting and related transaction systems, internal control systems, and financial reporting systems) which provides for—

"(i) development and maintenance of consistent, compatible, and useful data;

"(ii) development and reporting of cost information; and

"(iii) integration of accounting and budgeting information;

"(C) supervise and coordinate all financial management system activities and operations of the Department; and

"(D) direct and manage financial management activities and operations of the Department, including—

"(i) the development of financial management budgets; and

"(ii) the approval and management of financial management system design or enhancement projects.

"(d) **CHIEF INFORMATION RESOURCES OFFICER.**—(1) The Secretary shall designate the Assistant Secretary whose functions include information management functions as required by section 3506 of title 44, United States Code, as the Chief Information Resources Officer of the Department.

"(2) The Chief Information Resources Officer shall—

"(A) advise the Secretary on information management activities of the Department as required by section 3506 of title 44, United States Code;

"(B) develop and maintain an information resources management system for the Department which provides for—

"(i) the conduct of and accountability for any acquisitions made pursuant to a delegation of authority under section 759 of title 40, United States Code;

"(ii) the implementation of all applicable government-wide and Department information policies, principles, standards, and guidelines with respect to information collection, paperwork reduction, privacy and security of records, sharing and dis-

semination of information, acquisition and use of information technology, and other information resource management functions;

"(iii) the periodic evaluation of and, as needed, the planning and implementation of improvements in the accuracy, completeness, and reliability of data and records contained within Department information systems; and

"(iv) the development and annual revision of a five-year plan for meeting the Department's information technology needs; and

"(C) report to the Secretary as required by section 3506 of title 44, United States Code.

"(e) **DESIGNATION OF FUNCTIONS PRIOR TO CONFIRMATION.**—Whenever the President submits the name of an individual to the Senate for confirmation as Assistant Secretary under this section, the President shall state the particular functions of the Department such individual will exercise upon taking office.

"(f) **CONTINUING PERFORMANCE OF ASSISTANT SECRETARY FUNCTIONS PENDING CONFIRMATION.**—An individual who, on the effective date of this Act [Mar. 15, 1969], is performing any of the functions required by this section to be performed by an Assistant Secretary of the Department may continue to perform such functions until such functions are assigned to an individual appointed under this Act as an Assistant Secretary of the Department.

"SEC. 5. DEPUTY ASSISTANT SECRETARIES.

"(a) **ESTABLISHMENT OF POSITIONS.**—There shall be in the Department of Veterans Affairs such number of Deputy Assistant Secretaries, not exceeding 18, as the Secretary may determine.

"(b) **APPOINTMENTS.**—Each Deputy Assistant Secretary—

"(1) shall be appointed by the Secretary; and

"(2) shall perform such functions as the Secretary shall prescribe.

"(c) **MINIMUM NUMBER OF DEPUTY ASSISTANT SECRETARIES WITH CONTINUOUS SERVICE IN CIVIL SERVICE.**—

(1) At least two-thirds of the number of positions established under subsection (a) and filled under subsection (b) shall be filled by individuals who have at least 5 years of continuous service in the Federal civil service in the executive branch immediately preceding their appointment under subsection (b) as a Deputy Assistant Secretary.

"(2) For purposes of determining the continuous service of an individual pursuant to paragraph (1), there shall not be included any service by such individual in a position—

"(A) of a confidential, policy-determining, policy-making, or policy-advocating character;

"(B) in which such individual served as a noncareer appointee in the Senior Executive Service, as such term is defined in section 3132(a)(7) of title 5, United States Code; or

"(C) to which such individual was appointed by the President, with or without the advice and consent of the Senate.

"SEC. 6. VETERANS HEALTH SERVICES AND RESEARCH ADMINISTRATION.

"The establishment within the Veterans' Administration known as the Department of Medicine and Surgery is hereby redesignated as the Veterans Health Services and Research Administration of the Department of Veterans Affairs.

"SEC. 7. VETERANS BENEFITS ADMINISTRATION.

"The establishment within the Veterans' Administration known as the Department of Veterans' Benefits is hereby redesignated as the Veterans Benefits Administration of the Department of Veterans Affairs. The primary function of the Veterans Benefits Administration shall be to administer nonmedical benefits programs which provide assistance to veterans, their dependents, and their survivors.

"SEC. 8. OFFICE OF THE GENERAL COUNSEL.

"(a) **IN GENERAL.**—There shall be in the Department of Veterans Affairs the Office of the General Counsel. There shall be at the head of such office a General Counsel who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall be the chief legal officer of the Department and shall provide legal assistance to the Secretary concerning the programs and policies of the Department.

"(b) **CONTINUATION OF SERVICE OF GENERAL COUNSEL.**—The individual serving on the effective date of this Act [Mar. 15, 1989] as the General Counsel of the Veterans' Administration may act as the General Counsel of the Department of Veterans Affairs until a person is appointed under this Act to that office.

"SEC. 9. OFFICE OF THE INSPECTOR GENERAL.

"(a) **REDESIGNATION.**—The Office of Inspector General of the Veterans' Administration, established in accordance with the Inspector General Act of 1978 [Pub. L. 95-452, set out in the Appendix to Title 5, Government Organization and Employees], is hereby redesignated as the Office of Inspector General of the Department of Veterans Affairs.

"(b) **STAFF LEVEL.**—(1) The Secretary shall provide for not less than 40 full-time positions in the Office of Inspector General in addition to the number of such positions in that office on the effective date of this Act [Mar. 15, 1989].

"(2) Of the number of additional full-time positions in the Office of Inspector General required by paragraph (1), the Secretary shall provide for one-half by not later than September 30, 1990, and shall provide for the remainder by not later than September 30, 1991.

"(3) The President shall include in the budget transmitted to the Congress for each fiscal year after fiscal year 1989 pursuant to section 1105 of title 31, United States Code, an estimate of the amount for the Office of Inspector General that is sufficient to provide for not less than the number of full-time positions in that office on the effective date of this Act and the additional number of such positions required by paragraph (1) to be provided for by the Secretary.

"SEC. 10. REFERENCES.

"Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Veterans' Administration—

"(1) to the Administrator of Veterans' Affairs shall be deemed to refer to the Secretary of Veterans Affairs;

"(2) to the Veterans' Administration shall be deemed to refer to the Department of Veterans Affairs;

"(3) to the Deputy Administrator of Veterans' Affairs shall be deemed to refer to the Deputy Secretary of Veterans Affairs;

"(4) to the Chief Medical Director of the Veterans' Administration shall be deemed to refer to the Chief Medical Director of the Department of Veterans Affairs;

"(5) to the Department of Medicine and Surgery of the Veterans' Administration shall be deemed to refer to the Veterans Health Services and Research Administration of the Department of Veterans Affairs;

"(6) to the Chief Benefits Director of the Veterans' Administration shall be deemed to refer to the Chief Benefits Director of the Department of Veterans Affairs;

"(7) to the Department of Veterans' Benefits of the Veterans' Administration shall be deemed to refer to the Veterans Benefits Administration of the Department of Veterans Affairs;

"(8) to the Chief Memorial Affairs Director of the Veterans' Administration shall be deemed to refer to the Director of the National Cemetery System of the Department of Veterans Affairs; and

"(9) to the Department of Memorial Affairs of the Veterans' Administration shall be deemed to refer to the National Cemetery System of the Department of Veterans Affairs.

"SEC. 11. SAVINGS PROVISIONS.

"(a) **CONTINUING EFFECT OF LEGAL DOCUMENTS.**—All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, and privileges—

"(1) which have been issued, made, granted, or allowed to become effective by the President, by the Administrator of Veterans' Affairs, or by a court of competent jurisdiction, in the performance of functions of the Administrator or the Veterans' Administration; and

"(2) which are in effect on the effective date of this Act [Mar. 15, 1989];

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, by a court of competent jurisdiction, or by operation of law.

"(b) **PROCEEDINGS NOT AFFECTED.**—The provisions of this Act shall not affect any proceedings or any application for any benefits, service, license, permit, certificate, or financial assistance pending before the Veterans' Administration at the time this Act takes effect, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

"(c) **SUITS NOT AFFECTED.**—The provisions of this Act shall not affect suits commenced before the effective date of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

"(d) **NONABATEMENT OF ACTIONS.**—No suit, action, or other proceeding commenced by or against the Veterans' Administration, or by or against any individual in the official capacity of such individual as an officer of the Veterans' Administration, shall abate by reason of the enactment of this Act.

"(e) **PROPERTY AND RESOURCES.**—The contracts, liabilities, records, property, and other assets and interests of the Veterans' Administration shall, after the effective date of this Act, be considered to be the contracts, liabilities, records, property, and other assets and interests of the Department of Veterans Affairs.

"(f) **COMPENSATION FOR CONTINUED SERVICE.**—Any person—

"(1) who acts as Secretary or Deputy Secretary of the Department of Veterans Affairs under section 3(e);

"(2) who continues to serve as Chief Medical Director or Chief Benefits Director of such department under section 3(f) or (g), respectively;

"(3) who acts as the Director of the National Cemetery System under section 3(h); or

"(4) who acts as General Counsel of the Department of Veterans Affairs under section 8(b);

after the effective date of this Act and before the first appointment of a person to such position after such date shall continue to be compensated for so serving or acting at the rate at which such person was compensated before the effective date of this Act.

"SEC. 12. MISCELLANEOUS EMPLOYMENT RESTRICTIONS.

"(a) **LIMITATION ON NUMBER OF NONCAREER SENIOR EXECUTIVES.**—(1) Notwithstanding section 3134(d) of title 5, United States Code, the number of Senior Executive Service positions in the Department of Veterans Affairs which are filled by noncareer appointees in any fiscal year may not at any time exceed 5 percent of the average number of senior executives employed in Senior Executive Service positions in the Department during the preceding fiscal year.

"(2) For purposes of this subsection, the average number of senior executives employed in Senior Executive Service positions in the Department during a fiscal year shall be equal to 25 percent of the sum of the total number of senior executives employed in Senior Executive Service positions in the Department on the last day of each quarter of such fiscal year.

"(b) **LIMITATION ON NUMBER OF SCHEDULE C EMPLOYEES.**—The number of positions in the Department of Veterans Affairs which may be excepted from the competitive service, on a temporary or permanent basis, because of their confidential or policy-determining character may not at any time exceed the equivalent of 15 positions.

"(c) **PROHIBITED EMPLOYMENT AND ADVANCEMENT CONSIDERATIONS.**—(1) Political affiliation or activity may not be taken into account in connection with the appointment of any person to any position in or to perform any service for the Department of Veterans Affairs, or in the assignment or advancement of any employee in the Department.

"(2) Paragraph (1) shall not apply to the appointment of any person by the President under this Act, other than the appointment of the Chief Medical Director, the Chief Benefits Director, and the Inspector General of the Department of Veterans Affairs.

"SEC. 14. ADDITIONAL CONFORMING AMENDMENTS.

"After consultation with the appropriate committees of the Congress, the Secretary of Veterans Affairs shall prepare and submit to the Congress proposed legislation containing technical and conforming amendments to title 38, United States Code, and to other provisions of law, which reflect the changes made by this Act. Such legislation shall be submitted not later than 6 months after the date of enactment of this Act [Oct. 25, 1988].

"SEC. 16. SPENDING AUTHORITY SUBJECT TO APPROPRIATIONS.

"The authority to make payments or to enter into other obligations under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriations Acts.

"SEC. 18. EFFECTIVE DATE.

"(a) **IN GENERAL.**—Except as provided in subsection (b), this Act shall take effect on March 15, 1989.

"(b) **APPOINTMENT OF SECRETARY.**—Notwithstanding any other provision of law or of this Act, the President may, any time after January 21, 1989, appoint an individual to serve as Secretary of the Department of Veterans Affairs."

§ 202. Seal of the Veterans' Administration

The seal of the Veterans' Administration shall be judicially noticed. Copies of any public documents, records, or papers belonging to or in the files of the Veterans' Administration, when authenticated by the seal and certified by the Administrator or by any employee of the Veterans' Administration to whom proper authority shall have been delegated in writing by the Administrator, shall be evidence equal with the originals thereof.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1114.)

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

§ 203. Availability of appropriations

(a) Any funds appropriated to the Veterans' Administration may, to the extent provided in this title or an appropriations Act, remain available until expended.

(b) Any funds appropriated to the Veterans' Administration may be used for a settlement of more than \$1,000,000 on a construction contract only if the settlement is audited independently for reasonableness and appropriateness of expenditures and the settlement is provided for specifically in an appropriation law.

(Added Pub. L. 94-424, § 2(a), Sept. 28, 1976, 90 Stat. 1332, and amended Pub. L. 97-258, § 2(j), Sept. 13, 1982, 96 Stat. 1062; Pub. L. 98-160, title VII, § 702(1), Nov. 21, 1983, 97 Stat. 1009.)

HISTORICAL AND REVISION NOTES

1982 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
203(b)	31:700d.	Jan. 3, 1974, Pub. L. 93-245, § 301, 87 Stat. 1072.

The words "in any Appropriation Act for any fiscal year", "make a", and "by the Veterans Administration in an amount" are omitted as surplus.

AMENDMENTS

1983—Subsec. (b). Pub. L. 98-160 substituted "Any funds appropriated to the Veterans' Administration" for "An appropriation" and struck out "not" after "and the settlement is".

1982—Pub. L. 97-258 designated existing provisions as subsec. (a) and added subsec. (b).

CHANGE OF NAME

Reference to Veterans' Administration deemed to refer to Department of Veterans Affairs pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

SUBCHAPTER II—ADMINISTRATOR OF VETERANS' AFFAIRS

§ 210. Appointment and general authority of Administrator; Deputy Administrator

(a) The Administrator of Veterans' Affairs is the head of the Veterans' Administration. The Administrator is appointed by the President, by and with the advice and consent of the Senate.

(b)(1) The Administrator, under the direction of the President, is responsible for the proper execution and administration of all laws administered by the Veterans' Administration and for the control, direction, and management of the Veterans' Administration. Except to the extent inconsistent with law, the Administrator may consolidate, eliminate, abolish, or redistribute the functions of the bureaus, agencies, offices,

or activities in the Veterans' Administration, create new bureaus, agencies, offices, or activities therein, and fix the functions thereof and the duties and powers of their respective executive heads.

(2)(A) The Administrator may not in any fiscal year implement an administrative reorganization described in subparagraph (B) of this paragraph unless the Administrator first submits to the appropriate committees of the Congress a report containing a detailed plan and justification for the administrative reorganization. Any such report shall be submitted not later than the day on which the President, pursuant to section 1105 of title 31, submits to the Congress the Budget for the fiscal year in which the administrative reorganization is to be implemented. No action to carry out such reorganization may be taken after the submission of such report until the first day of such fiscal year.

(B) An administrative reorganization described in this subparagraph is an administrative reorganization of—

(i) a covered field office or facility which involves a reduction during any fiscal year in the number of full-time equivalent employees with permanent duty stations at such office or facility—

(I) by 10 percent or more, or

(II) by a percent which, when added to the percent reduction made in the number of such employees with permanent duty stations at such office or facility during the preceding fiscal year, is 15 percent or more; or

(ii) a covered Central Office unit which involves a reduction during any fiscal year in the number of full-time equivalent employees with permanent duty stations at such unit—

(I) by 25 percent or more, or

(II) by a percent which, when added to the percent reduction made in the number of such employees with permanent duty stations at such unit during the preceding fiscal year, is 30 percent or more.

(C) Not less than 30 days before the date on which the implementation of any reorganization described in this subparagraph is to begin, the Administrator shall transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a notification regarding the reorganization. This subparagraph applies to the reorganization of any unit of the Central Office of the Veterans' Administration that is the duty station for more than 25 but less than 100 employees if the reorganization involves a reduction in any fiscal year in the number of full-time equivalent employees with permanent duty station in such unit—

(i) by 10 percent or more, or

(ii) by a percent which, when added to the percent reduction made in the number of such employees with permanent duty station in such unit during the preceding fiscal year, is 15 percent or more.

(D) For the purposes of this paragraph—

(i) The term "administrative reorganization" means a consolidation, elimination, abolition, or redistribution of functions under

the authority granted the Administrator under the second sentence of paragraph (1) of this subsection.

(ii) The term "covered Central Office unit" means an office in the Veterans' Administration's Central Office that is the permanent duty station for 100 or more employees.

(iii) The term "covered field office or facility" means a Veterans' Administration office or facility outside the Veterans' Administration Central Office that is the permanent duty station for 25 or more employees or that is a free-standing outpatient clinic.

(iv) The term "detailed plan and justification" means, with respect to an administrative reorganization, a written report which, at a minimum—

(I) specifies the number of employees by which each covered office or facility affected is to be reduced, the responsibilities of those employees, and the means by which the reduction is to be accomplished;

(II) identifies any existing or planned office or facility at which the number of employees is to be increased and specifies the number and responsibilities of the additional employees at each such office or facility;

(III) describes the changes in the functions carried out at any existing office or facility and the functions to be assigned to an office or facility not in existence on the date that the plan and justification are submitted pursuant to subparagraph (A) of this paragraph;

(IV) explains the reasons for the determination that the reorganization is appropriate and advisable in terms of the statutory missions and long-term goals of the Veterans' Administration;

(V) describes the effects that the reorganization may have on the provision of benefits and services to veterans and dependents of veterans (including the provision of benefits and services through offices and facilities of the Veterans' Administration not directly affected by the reorganization); and

(VI) provides estimates of the costs of the reorganization and of the cost impact of the reorganization, together with analyses supporting those estimates.

(3)(A) The Administrator may not implement a grade reduction described in subparagraph (B) of this paragraph unless the Administrator first submits to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing a detailed plan for such reduction and a detailed justification for the plan. Such report shall include a determination by the Administrator (together with data supporting such determination) that, in the personnel area concerned, the Veterans' Administration has a disproportionate number of employees at the salary grade or grades selected for reduction in comparison to the number of such employees at the salary levels involved who perform comparable functions in other departments and agencies of the Federal Government and in non-Federal entities. Any grade reduction described in such report may

not take effect until the end of a period of 90 calendar days (not including any day on which either House of Congress is not in session) after the report is received by the committees.

(B) A grade reduction referred to in subparagraph (A) of this paragraph is a systematic reduction, for the purpose of reducing the average salary cost for Veterans' Administration employees described in subparagraph (C) of this paragraph, in the number of such Veterans' Administration employees at a specific grade level.

(C) The employees referred to in subparagraph (B) of this paragraph are—

(i) health-care personnel who are determined by the Administrator to be providing either direct patient-care services or services incident to direct patient-care services;

(ii) individuals who meet the definition of professional employee as set forth in section 7103(a)(15) of title 5; and

(iii) individuals who are employed as computer specialists.

(D) Not later than the forty-fifth day after the Administrator submits a report under subparagraph (A) of this paragraph, the Comptroller General shall submit to such Committees a report on the Administrator's compliance with such subparagraph. The Comptroller General shall include in the report the Comptroller General's opinion as to the accuracy of the Administrator's determination (and of the data supporting such determination) made under such subparagraph.

(E) In the case of Veterans' Administration employees not described in subparagraph (C) of paragraph (3), the Administrator may not in any fiscal year implement a systematic reduction for the purpose of reducing the average salary cost for such Veterans' Administration employees that will result in a reduction in the number of such Veterans' Administration employees at any specific grade level at a rate greater than the rate of the reductions systematically being made in the numbers of employees at such grade level in all other agencies and departments of the Federal Government combined.

(c)(1) The Administrator has authority to make all rules and regulations which are necessary or appropriate to carry out the laws administered by the Veterans' Administration and are consistent therewith, including regulations with respect to the nature and extent of proofs and evidence and the method of taking and furnishing them in order to establish the right to benefits under such laws, the forms of application by claimants under such laws, the methods of making investigations and medical examinations, and the manner and form of adjudications and awards. Any rules, regulations, guidelines, or other published interpretations or orders, or any amendment thereto, issued pursuant to the authority granted by this subsection or any other provision of this title shall contain, immediately following each substantive provision of such rules, regulations, guidelines, or other published interpretations or orders, or any amendment thereto, citations to the particular section or sections of statutory law or other legal authority upon which such

rule, regulation, guideline, or other published interpretation or order is based or, in the case of any amendment thereto, upon which such amendment and the rule, regulation, guideline, interpretation or order being amended is based.

(2) If the Administrator determines that benefits administered by the Veterans' Administration have not been provided by reason of administrative error on the part of the Federal Government or any of its employees, the Administrator is authorized to provide such relief on account of such error as the Administrator determines equitable, including the payment of moneys to any person whom the Administrator determines equitably entitled thereto.

(3)(A) If the Administrator determines that any veteran, surviving spouse, child of a veteran, or other person, has suffered loss as a consequence of reliance upon a determination by the Veterans' Administration of eligibility or entitlement to benefits, without knowledge that it was erroneously made, the Administrator is authorized to provide such relief on account of such error as the Administrator determines equitable, including the payment of moneys to any person whom the Administrator determines equitably entitled thereto.

(B) The Administrator shall submit an annual report to the Congress on January 1, 1973, and each succeeding year containing a brief summary, including a statement as to the disposition of each case recommended to the Administrator for equitable relief under this paragraph.

(d) There shall be in the Veterans' Administration a Deputy Administrator of Veterans' Affairs who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Administrator shall perform such functions as the Administrator shall designate and, unless the President shall designate another officer of the Government, shall be Acting Administrator of Veterans' Affairs during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1114; Pub. L. 88-426, title III, § 305(15), Aug. 14, 1964, 78 Stat. 424; Pub. L. 89-361, § 1(a), (b), Mar. 7, 1966, 80 Stat. 29; Pub. L. 89-785, title III, § 301, Nov. 7, 1966, 80 Stat. 1376; Pub. L. 92-328, title II, § 201, June 30, 1972, 86 Stat. 396; Pub. L. 95-202, title III, § 301, Nov. 23, 1977, 91 Stat. 1440; Pub. L. 96-22, title V, § 502(a), June 13, 1979, 93 Stat. 64; Pub. L. 97-66, title VI, § 601(a)(1), Oct. 17, 1981, 95 Stat. 1033; Pub. L. 97-452, § 2(e)(1), Jan. 12, 1983, 96 Stat. 2478; Pub. L. 99-166, title IV, § 403(a), Dec. 3, 1985, 99 Stat. 957; Pub. L. 99-576, title V, § 501, title VII, § 701(9), Oct. 28, 1986, 100 Stat. 3285, 3291; Pub. L. 100-527, § 15(a), Oct. 5, 1988, 102 Stat. 2644.)

AMENDMENTS

1988—Subsec. (b)(2)(B). Pub. L. 100-527, § 15(a)(1), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: "Subparagraph (A) of this paragraph applies only to an administrative reorganization within the Veterans' Administration that involves a reduction during any fiscal year in the number of full-time equivalent employees with permanent duty stations at a covered office or facility—

"(i) by 10 percent or more, or

"(ii) by a percent which, when added to the percent reduction under this subsection in the number of such employees with permanent duty stations at such office or facility during the preceding fiscal year, is 15 percent or more."

Subsec. (b)(2)(C). Pub. L. 100-527, § 15(a)(2)(A), (3), added subpar. (C). Former subpar. (C) redesignated (D).

Subsec. (b)(2)(D). Pub. L. 100-527, § 15(a)(2), redesignated former subpar. (C) as (D), added cls. (ii) and (iii), struck out former cl. (ii) defining term "covered office or facility", and redesignated former cl. (iii) as (iv).

1986—Subsec. (a). Pub. L. 99-576, § 701(9)(B), substituted "The Administrator" for "He" in second sentence.

Subsec. (b)(1). Pub. L. 99-576, § 701(9)(A), substituted "the Administrator may" for "he may".

Subsec. (b)(2)(C)(iii). Pub. L. 99-576, § 501, added cl. (iii).

Subsec. (c)(2). Pub. L. 99-576, § 701(9)(A), substituted "the Administrator is" for "he is", "as the Administrator" for "as he", "whom the Administrator" for "whom he".

Subsec. (c)(3)(A). Pub. L. 99-576, § 701(9)(A), (C), substituted "surviving spouse" for "widow", "the Administrator is" for "he is", "as the Administrator" for "as he", and "whom the Administrator" for "whom he".

Subsec. (c)(3)(B). Pub. L. 99-576, § 701(9)(D), substituted "the Administrator" for "him".

1985—Subsec. (b)(3). Pub. L. 99-166 added par. (3).

1983—Subsec. (b)(2)(A). Pub. L. 97-452 substituted "section 1105 of title 31" for "section 201(a) of the Budget and Accounting Act, 1921 (31 U.S.C. 11(a))".

1981—Subsec. (b). Pub. L. 97-66 designated existing provisions as par. (1) and added par. (2).

1979—Subsec. (d). Pub. L. 96-22 substituted "appointed by the President, by and with the advice and consent of the Senate" for "appointed by the Administrator".

1977—Subsec. (c)(1). Pub. L. 95-202 inserted provision that any rules, regulations, guidelines, or other published interpretations or orders, or any amendment thereto, issued pursuant to the authority granted by this subsection or any other provision of this title contain, immediately following each substantive provision of such rules, regulations, guidelines, or other published interpretations or orders, or any amendment thereto, citations to the particular section or sections of statutory law or other legal authority upon which the rule, regulation, guideline, or other published interpretation or order is based or, in the case of any amendment thereto, upon which the amendment and the rule, regulation, guideline, interpretation or order being amended is based.

1972—Subsec. (c)(3). Pub. L. 92-328 added par. (3).

1966—Pub. L. 89-361, § 1(b), inserted "Deputy Administrator" in section catchline.

Subsec. (c). Pub. L. 89-785 designated existing provisions as par. (1) and added par. (2).

Subsec. (d). Pub. L. 89-361, § 1(a), added subsec. (d).

1964—Subsec. (a). Pub. L. 88-428 repealed provisions which prescribed salary of Administrator. See section 5313 of Title 5, Government Organization and Employees.

CHANGE OF NAME

References to Administrator of Veterans' Affairs and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-527 effective Mar. 15, 1989, see section 18(a) of Pub. L. 100-527, set out as a

Department of Veterans Affairs Act note under section 201 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT; APPLICABILITY

Section 601(a)(2) of Pub. L. 97-66 provided that: "Paragraph (2) of section 210(b) of title 38, United States Code, as added by paragraph (1), does not apply to an administrative reorganization (as defined in such paragraph (2)) that is fully accomplished before the date of the enactment of this Act [Oct. 17, 1981]."

Amendment by Pub. L. 97-66 effective Oct. 17, 1981, see section 701(b)(1) of Pub. L. 97-66, set out as a note under section 314 of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Section 502(b) of Pub. L. 96-22 provided that:

"(1) The amendment made by subsection (a) [amending this section] shall take effect (A) on the date on which a vacancy first occurs in the office of Deputy Administrator of Veterans' Affairs after the date of the enactment of this Act [June 13, 1979] or on such earlier date as the President submits to the Senate, for the advice and consent of the Senate, the nomination of any individual for appointment to such office, or (B) on the date of the enactment of this Act if such office is vacant on such date.

"(2) The Administrator of Veterans' Affairs may designate the individual holding the office of Deputy Administrator of Veterans' Affairs on the date of the enactment of this Act [June 13, 1979], or any other individual, to serve in such office in an acting capacity pending the first appointment of an individual to such office as provided for in the amendment made by subsection (a) [amending this section]."

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 301(c) of Pub. L. 92-328 provided that: "Sections 201 through 206 of this Act [amending sections 210, 1817, 1820, 3102, and 3503 of this title, and enacting provisions set out as a note under section 3102 of this title] shall take effect upon the date of enactment of this Act [June 30, 1972]."

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective the first day of the first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88-426, see section 501 of Pub. L. 88-426.

OFFICE OF INSPECTOR GENERAL

All the functions, powers, and duties of the Office of Audits and the Office of Investigations of the Veterans' Administration were transferred to the Office of Inspector General in the Veterans' Administration, by section 9(a)(1)(N) of the Inspector General Act of 1978 Pub. L. 95-452, set out in the Appendix to Title 5, Government Organization and Employees, section 2 of which established such Office of Inspector General.

SPECIFICATION IN BUDGET SUBMISSIONS OF FUNDS FOR CERTAIN VETERANS BENEFITS

Pub. L. 100-687, div. B, title XIV, § 1404, Nov. 18, 1988, 102 Stat. 4131, provided that:

"(a) BUDGET INFORMATION.—In the documentation providing detailed information on the budgets for the Veterans' Administration and the Department of Labor that the Administrator and the Secretary of Labor, respectively, submit to the Congress in conjunction with the President's budget submission for each fiscal year pursuant to section 1105 of title 31, United States Code, the Administrator and the Secretary shall identify, to the maximum extent feasible,

the estimated amount in each of the appropriation requests for Veterans' Administration accounts and Department of Labor accounts, respectively, that is to be obligated for the furnishing of each of the following services or benefits only to, or with respect to, veterans who performed active military, naval, or air service in combat with the enemy or in a theatre of combat operations during a period of war or other hostilities:

"(1) Employment services and other employment benefits under programs administered by the Secretary of Labor.

"(2) Compensation under chapter 11 of title 38, United States Code.

"(3) Dependency and Indemnity Compensation under chapter 13 of such title.

"(4) Pension under chapter 15 of such title.

"(5) Inpatient hospital care under chapter 17 of such title.

"(6) Outpatient medical care under chapter 17 of such title.

"(7) Nursing home care under chapter 17 of such title.

"(8) Domiciliary care under chapter 17 of such title.

"(9) Readjustment counseling services under section 612A of such title.

"(10) Insurance under chapter 19 of such title.

"(11) Specially adapted housing for disabled veterans under chapter 21 of such title.

"(12) Burial benefits under chapter 23 of such title.

"(13) Educational assistance under chapters 30, 32, and 34 of such title and chapter 106 of title 10, United States Code.

"(14) Vocational rehabilitation services under chapter 31 of title 38, United States Code.

"(15) Survivors' and dependents' educational assistance under chapter 35 of such title.

"(16) Home loan benefits under chapter 37 of such title.

"(17) Automobiles and adaptive equipment under chapter 39 of such title.

"(b) **REPORT ON FEASIBILITY.**—If the Administrator or the Secretary of Labor determines that, with respect to any services or benefits referred to in subsection (a), it is not feasible to identify an estimated dollar amount to be obligated for furnishing such services or benefits only to veterans described in that subsection for any fiscal year, the Administrator and the Secretary shall, with respect to an appropriation request for such fiscal year relating to such services or benefits, report to the Committees on Veterans' Affairs of the Senate and the House of Representatives the reasons for the infeasibility. The report shall be submitted contemporaneously with the budget submission for such fiscal year. The report shall specify (1) the information, systems, equipment, or personnel that would be required in order for it to be feasible for the Administrator or the Secretary to identify such amount, and (2) the actions to be taken in order to ensure that it will be feasible to make such an estimate in connection with the submission of the budget request for the next fiscal year."

INAPPLICABILITY OF RESTRICTIONS

Section 15(b) of Pub. L. 100-527 provided that: "Section 210(b) of title 38, United States Code (as amended by subsection (a)), shall not apply to a reorganization of a unit of the Central Office of the Department of Veterans' Affairs if the reorganization—

"(1) is necessary in order to carry out the provisions of or amendments made by this Act (see section 1 of Pub. L. 100-527, set out as a note under section 201 of this title); and

"(2) is initiated within 6 months after the effective date of this Act [Mar. 15, 1989]."

CONSTRUCTION

Section 15(c) of Pub. L. 100-527 provided that: "References to the Administrator of Veterans' Affairs and

the Veterans' Administration are used in the amendments made by subsection (a) [amending this section] in order to maintain conformity with the references appearing in the provisions of section 210 of title 38, United States Code, that are not amended by subsection (a). The references appearing in such amendments are subject to the reference rules provided in section 10 of this Act (set out as a note under section 201 of this title)."

INFORMATION AND TRAINING CONCERNING AIDS PREVENTION

Pub. L. 100-322, title I, § 123, May 20, 1988, 102 Stat. 504, provided that:

"(a) **INFORMATION PROGRAM.**—The Administrator shall establish and carry out an information program relating to the acquired immune deficiency syndrome (hereinafter in this section referred to as 'AIDS'). The information program shall be for employees and consultants of the Veterans' Administration, for other persons providing services in Veterans' Administration facilities to beneficiaries of programs administered by the Veterans' Administration, and for such beneficiaries.

"(b) **REQUIRED ELEMENTS OF INFORMATION PROGRAM.**—In conducting the program under subsection (a), the Administrator shall—

"(1) develop, in consultation with the Surgeon General of the United States and the Director of the Centers for Disease Control, publications and other materials containing information on AIDS, including information on the prevention of infection with the human immunodeficiency virus;

"(2) provide for periodic dissemination of publications (including the Surgeon General's Report on AIDS) and other materials containing such information;

"(3) make publications and other suitable materials containing such information readily available in Veterans' Administration health-care facilities and such other Veterans' Administration facilities as the Administrator considers appropriate; and

"(4) disseminate information (including the Surgeon General's Report on AIDS) on the risk of transmission of the human immunodeficiency virus, and information on preventing the transmission of such virus, to Veterans' Administration substance abuse treatment personnel, to each person being furnished treatment by the Veterans' Administration for drug abuse, and to each person receiving care or services from the Veterans' Administration whom the Administrator believes to be at high risk for AIDS.

"(c) **TRAINING IN AIDS PREVENTION.**—The Administrator shall establish and carry out a program that provides for education, training, and other activities (including continuing education and infection control programs) regarding AIDS and the human immunodeficiency virus designed to improve the effectiveness and safety of all health-care personnel and all health-care support personnel involved in the furnishing of care under programs administered by the Veterans' Administration."

STATUS AND ROLE OF ADMINISTRATOR OF VETERANS' AFFAIRS; MEMBER OF CABINET, SENSE OF CONGRESS

Pub. L. 98-160, title V, Nov. 21, 1983, 97 Stat. 1005, provided that:

"CONGRESSIONAL FINDINGS

"Sec. 501. The Congress finds that—

"(1) the Nation has an historic and deeply-rooted commitment to providing benefits and services to those who served in the Armed Forces;

"(2) this commitment must be continued and maintained, both to fulfill moral obligations to those who served in the past and to assure current and potential members of the Armed Forces that the Na-

tion's obligations to those who serve will always be honored;

"(3) the Veterans' Administration is the principal Federal entity responsible for veterans' benefits and programs;

"(4) the Veterans' Administration has a potential population of beneficiaries of over 28 million veterans and over 55 million survivors and dependents;

"(5) the Veterans' Administration will distribute over \$13.8 billion in income maintenance payments and over \$1.5 billion in education, training, and rehabilitation assistance payments during fiscal year 1984, operates one of the Federal Government's two major home loan guaranty programs, with over four million loans currently guaranteed, administers the largest direct insurance program in the Nation, and operates 108 national cemeteries and provides burial assistance for nearly 350,000 deceased veterans annually;

"(6) the Veterans' Administration operates the largest centrally administered health-care system—consisting of, among other facilities, 172 hospitals, 226 outpatient clinics, and 99 nursing home care units—in the United States;

"(7) the Veterans' Administration health-care system serves as the primary backup to the medical resources of the Department of Defense in time of war or national emergency involving the use of the Armed Forces in armed conflict;

"(8) in terms of share of the annual Federal budget, the Veterans' Administration ranks sixth among Federal departments and agencies, and among Federal departments and agencies only the Department of Defense employs more personnel;

"(9) the Administrator of Veterans' Affairs is the principal executive branch official responsible for the administration of the benefits, services, and programs of the Veterans' Administration and for seeking the coordination of veterans' programs administered by other Federal departments and agencies;

"(10) there is a need for greater coordination between the Veterans' Administration and other Federal entities administering veterans programs and between the Veterans' Administration and other Federal entities providing similar benefits to individuals on a basis other than their status as veterans;

"(11) by virtue of the Administrator of Veterans' Affairs not being included in the President's Cabinet, the Administrator generally is not included in Cabinet meetings and deliberations and generally does not have the ready access to the President and senior advisers on the President's staff that Cabinet members have; and

"(12) as a consequence, Presidential decisions affecting veterans and the Veterans' Administration are made from time to time without an understanding of their full impact on veterans and on the Veterans' Administration's performance of its statutory missions.

"SENSE OF THE CONGRESS

"SEC. 502. In view of the findings in section 501, it is the sense of the Congress that the Administrator of Veterans' Affairs should be designated by the President as a member of, and a full participant in all activities of, the Cabinet and as the President's principal adviser on all matters relating to veterans and their dependents."

CONTINUATION OF AUTHORITY UNDER ACT OF JULY 3, 1930

Section 4 of Pub. L. 85-857 provided that: "All functions, powers, and duties conferred upon and vested in the President and the Administrator by the Act of July 3, 1930 (46 Stat. 1016) and which were in effect on December 31, 1957, are continued in effect."

OUTSTANDING RULES, REGULATIONS, AND ORDERS

Section 7 of Pub. L. 85-857 provided that: "All rules, regulations, orders, permits, and other privileges

issued or granted by the Administrator of Veterans' Affairs before December 31, 1958, and in effect on such date (or scheduled to take effect after such date) shall remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator."

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to the Secretary of Veterans Affairs, see Parts 1, 2, and 27 of Ex. Ord. No. 12856, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 2251 of Title 50, Appendix, War and National Defense.

CROSS REFERENCES

Compensation of Secretary of Veterans Affairs, see section 5312 of Title 5, Government Organization and Employees.

Compensation of Deputy Secretary of Veterans Affairs, see section 5313 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 621 of this title.

§ 211. Decisions by Administrator; opinions of Attorney General

(a)(1) The Administrator shall decide all questions of law and fact necessary to a decision by the Administrator under a law that affects the provision of benefits by the Administrator to veterans or the dependents or survivors of veterans. Subject to paragraph (2) of this subsection, the decision of the Administrator as to any such question shall be final and conclusive and may not be reviewed by any other official or by any court, whether by an action in the nature of mandamus or otherwise.

(2) The second sentence of paragraph (1) of this subsection does not apply to—

(A) matters subject to section 223¹ of this title;

(B) matters covered by sections 775 and 784 of this title;

(C) matters arising under chapter 37 of this title; and

(D) matters covered by chapter 72 of this title.

(b) The Administrator may require the opinion of the Attorney General on any question of law arising in the administration of the Veterans' Administration.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1115; Pub. L. 89-214, § 1(b), Sept. 29, 1965, 79 Stat. 886; Pub. L. 89-358, § 4(h), Mar. 3, 1966, 80 Stat. 24; Pub. L. 91-376, § 8(a), Aug. 12, 1970, 84 Stat. 790; Pub. L. 100-687, div. A, title I, § 101(a), Nov. 18, 1988, 102 Stat. 4105.)

REFERENCES IN TEXT

Section 223 of this title, referred to in subsec. (a)(2)(A), probably refers to the section 223 "Rulemaking: procedures and judicial review" of this title which was enacted by section 102(a) of Pub. L. 100-687.

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-687 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "On and after October 17, 1940, except as provided in sections 775, 784, and as to matters arising

¹ See References in Text note below.

under chapter 37 of this title, the decisions of the Administrator on any question of law or fact under any law administered by the Veterans' Administration providing benefits for veterans and their dependents or survivors shall be final and conclusive and no other official or any court of the United States shall have power or jurisdiction to review any such decision by an action in the nature of mandamus or otherwise."

1970—Subsec. (a). Pub. L. 91-376 substituted provisions that on or after Oct. 17, 1940, except as provided in sections 775, 784, and chapter 37 of this title, the decisions of the Administrator on any question of law or fact under any law administered by the Veterans' Administration providing benefits for veterans and their dependents or survivors be final and conclusive and no other official or any court of the United States have power or jurisdiction to review any such decision by an action in the nature of mandamus or otherwise, for provisions that, except as provided in the enumerated sections, the decisions of the Administrator on any question of law or fact concerning a claim for benefits or payments under any law administered by the Veterans' Administration be final and conclusive and no other official or any court of the United States have power or jurisdiction to review any such decision.

1966—Subsec. (a). Pub. L. 89-358 struck out references to sections 1861 and 1761.

1965—Subsec. (a). Pub. L. 89-214 inserted reference to section 775.

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-687 effective Sept. 1, 1989, see section 401(a) of Pub. L. 100-687, set out as an Effective Date note under section 4051 of this title.

FEDERAL RULES OF CIVIL PROCEDURE

Writ of mandamus abolished in United States district courts, but relief available by appropriate action or motion, see rule 81, Title 28, Appendix, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4004 of this title.

§ 212. Delegation of authority and assignment of duties

(a) The Administrator may assign duties, and delegate, or authorize successive redelegation of, authority to act and to render decisions, with respect to all laws administered by the Veterans' Administration, to such officers and employees as the Administrator may find necessary. Within the limitations of such delegations, redelegations, or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Administrator.

(b) There shall be included on the technical and administrative staff of the Administrator such staff officers, experts, inspectors, and assistants (including legal assistants), as the Administrator may prescribe.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1115; Pub. L. 89-361, § 2, Mar. 7, 1966, 80 Stat. 30; Pub. L. 99-576, title VII, § 701(10), Oct. 28, 1986, 100 Stat. 3291.)

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-576 substituted "as the Administrator" for "as he".

1966—Subsec. (a). Pub. L. 89-361 empowered the Administrator, as he may find necessary, to authorize the successive redelegation to officers and employees of any authority delegated by the Administrator to act and render decisions with respect to laws administered by the Veterans' Administration, and provided that acts and decisions performed within the limitations of such redelegations shall have force and effect as though performed or rendered by the Administrator.

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

§ 213. Contracts and personal services

The Administrator may, for purposes of all laws administered by the Veterans' Administration, accept uncompensated services, and enter into contracts or agreements with private or public agencies or persons (including contracts for services of translators without regard to any other law), for such necessary services (including personal services) as the Administrator may deem practicable. The Administrator may also enter into contracts or agreements with private concerns or public agencies for the hiring of passenger motor vehicles or aircraft for official travel whenever, in the Administrator's judgment, such arrangements are in the interest of efficiency or economy.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1115; Pub. L. 89-785, title III, § 302, Nov. 7, 1966, 80 Stat. 1376; Pub. L. 91-24, § 2(c), June 11, 1969, 83 Stat. 33; Pub. L. 99-576, title VII, § 701(11), Oct. 28, 1986, 100 Stat. 3291.)

AMENDMENTS

1986—Pub. L. 99-576 substituted "as the Administrator" for "as he" and "in the Administrator's" for "in his".

1969—Pub. L. 91-24 inserted "(including contracts for services of translators without regard to any other law)" after "public agencies or persons".

1966—Pub. L. 89-785 empowered the Administrator to enter into contracts or agreements with private concerns or public agencies for the hiring of passenger motor vehicles or aircraft for official travel whenever, in his judgment, such arrangements are in the interest of efficiency or economy.

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5010 of this title.

§ 214. Reports to the Congress

The Administrator shall make annually, at the close of each fiscal year, a report in writing to the Congress, giving an account of all

moneys received and disbursed by the Veterans' Administration, describing the work done, and stating the activities of the Veterans' Administration for such fiscal year.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1115.)

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

REPORTS ON ASSISTANCE TO HOMELESS VETERANS

Pub. L. 100-322, title 1, § 116, May 20, 1988, 102 Stat. 502, provided that: "Not later than December 15 of each of 1988, 1989, and 1990, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the activities (including outreach activities and delivery of medical benefits and other benefits) of the Veterans' Administration during the preceding fiscal year to assist homeless veterans. The report shall include any suggestions of the Administrator for changes in those activities."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 221, 222, 245, 618, 654, 664, 1521, 1833, 4001 of this title.

§ 215. Publication of laws relating to veterans

The Administrator may compile and publish all Federal laws relating to veterans' relief, including such laws as are administered by the Veterans' Administration as well as by other agencies of the Government, in such form as the Administrator deems advisable for the purpose of making currently available in convenient form for the use of the Veterans' Administration and full-time representatives of the several service organizations an annotated, indexed, and cross-referenced statement of the laws providing veterans' relief. The Administrator may maintain such compilation on a current basis either by the publication, from time to time, of supplementary documents or by complete revision of the compilation. The distribution of the compilation to the representatives of the several service organizations shall be as determined by the Administrator.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1115; Pub. L. 99-576, title VII, § 701(10), Oct. 28, 1986, 100 Stat. 3291.)

AMENDMENTS

1986—Pub. L. 99-576 substituted "as the Administrator" for "as he".

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

§ 216. Assistance to certain rehabilitation activities

(a) The Administrator may assist any organization named in or approved under section 3402 of this title in providing recreational activities which would further the rehabilitation of dis-

abled veterans. Such assistance may be provided only if—

(1) the activities are available to disabled veterans on a national basis; and

(2) a significant percentage of the individuals participating in the activities are eligible for rehabilitative services under chapter 17 of this title.

(b) The Administrator may accept from any appropriate source contributions of funds and of other assistance to support the Administrator's provision of assistance for such activities.

(c)(1) Subject to paragraph (2) of this subsection, the Administrator may authorize the use, for purposes approved by the Administrator in connection with the activity involved, of the seal and other official symbols of the Veterans' Administration and the name "Veterans' Administration" by—

(A) any organization which provides an activity described in subsection (a) of this section with assistance from the Administrator; and

(B) any individual or entity from which the Administrator accepts a significant contribution under subsection (b) of this section or an offer of such a contribution.

(2) The use of such seal or name or any official symbol of the Veterans' Administration in an advertisement may be authorized by the Administrator under this subsection only if—

(A) the Administrator has approved the advertisement; and

(B) the advertisement contains a clear statement that no product, project, or commercial line of endeavor referred to in the advertisement is endorsed by the Veterans' Administration.

(Added Pub. L. 100-322, title I, § 132(a), May 20, 1988, 102 Stat. 506.)

PRIOR PROVISIONS

A prior section 216, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1116; Pub. L. 87-572, Aug. 6, 1962, 76 Stat. 307; Pub. L. 88-433, § 1(a)-(c), Aug. 14, 1964, 78 Stat. 441, 442; Pub. L. 89-705, § 1, Nov. 2, 1966, 80 Stat. 1099, which directed Administrator to conduct research in field of prosthetic appliances, prosthesis, orthopedic appliances, and sensory devices, was repealed by Pub. L. 94-581, title II, § 205(c)(1), Oct. 21, 1976, 90 Stat. 2859. See section 4101(e) of this title.

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

§ 217. Studies of rehabilitation of disabled persons

(a) The Administrator may make or have made studies, investigations, and reports relative to the rehabilitation of disabled persons, the relative abilities, aptitudes, and capacities of the several groups of the variously handicapped, and how their potentialities can best be developed and their services best utilized in gainful and suitable employment including the rehabilitation programs of foreign nations.

(b) In carrying out this section, the Administrator may cooperate with such public and private agencies as the Administrator may deem advisable, and may employ consultants who shall receive a reasonable per diem, as prescribed by the Administrator, for each day actually employed, plus necessary travel and other expenses.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1116; Pub. L. 99-576, title VII, § 701(10), Oct. 28, 1986, 100 Stat. 3291.)

AMENDMENTS

1986—Subsec. (b). Pub. L. 99-576 substituted "as the Administrator" for "as he".

CHANGE OF NAME

Reference to Administrator deemed to refer to Secretary of Veterans Affairs pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

§ 218. Security and law enforcement on property under the jurisdiction of the Veterans' Administration

(a)(1) The Administrator shall prescribe regulations to provide for the maintenance of law and order and the protection of persons and property on land and in buildings under the jurisdiction of the Veterans' Administration and not under the control of the Administrator of General Services (hereinafter in this section referred to as "Veterans' Administration property").

(2) Such regulations shall include—

(A) rules for conduct on Veterans' Administration property; and

(B) the penalties, within the limits specified in paragraph (3) of this subsection, for violations of such rules.

(3) Whoever violates any rule prescribed under paragraph (2)(A) of this subsection shall be fined not more than \$500 or imprisoned not more than six months (or such lesser amount or period of time as the Administrator prescribes in the regulations prescribed under this subsection), or both.

(4) The rules prescribed under clause (A) of paragraph (2) of this subsection, together with the penalties for violations of such rules, shall be posted conspicuously on property to which they apply.

(5) The Administrator shall consult with the Attorney General before prescribing regulations under this subsection.

(b)(1)(A) Veterans' Administration employees who are Veterans' Administration police officers shall, with respect to acts occurring on Veterans' Administration property, enforce—

(i) Federal laws;

(ii) the rules prescribed under subsection (a)(2)(A) of this section; and

(iii) subject to subparagraph (B) of this paragraph, traffic and motor vehicle laws of a State or local government within the jurisdiction of which such Veterans' Administration property is located.

(B) A law described in clause (iii) of subparagraph (A) of this paragraph may be enforced under such clause only as authorized by an ex-

press grant of authority under applicable State or local law. Any such enforcement shall be by the issuance of a citation for violation of such law.

(C) Subject to regulations prescribed under paragraph (2) of this subsection, a Veterans' Administration police officer may make arrests on Veterans' Administration property for a violation of a Federal law or any rule prescribed under subsection (a)(2)(A) of this section.

(2) The Administrator shall prescribe regulations with respect to Veterans' Administration police officers. Such regulations shall include—

(A) policies with respect to the exercise by Veterans' Administration police officers of the enforcement and arrest authorities provided by paragraph (1) of this subsection;

(B) the scope and duration of training that is required for Veterans' Administration police officers, with particular emphasis on dealing with situations involving patients; and

(C) rules limiting the carrying and use of weapons by Veterans' Administration police officers.

(3) The Administrator shall consult with the Attorney General before prescribing regulations under clause (A) of paragraph (2) of this subsection.

(4) Rates of basic pay for Veterans' Administration police officers may be increased by the Administrator under section 4107(g) of this title.

(c)(1) The Administrator may pay an allowance under this subsection for the purchase of uniforms to any Veterans' Administration police officer who is required to wear a prescribed uniform in the performance of official duties.

(2) The amount of the allowance that the Administrator may pay under this subsection—

(A) may be based on estimated average costs or actual costs;

(B) may vary by geographic regions; and

(C) except as provided in paragraph (3) of this paragraph, may not exceed \$200 in a fiscal year for any police officer.

(3)(A) The amount of an allowance under this subsection may be increased to an amount up to \$400 for not more than one fiscal year in the case of any Veterans' Administration police officer. In the case of a person who is appointed as a Veterans' Administration police officer on or after the date on which the Administrator initially exercises the authority granted by this paragraph, an allowance in an amount established under this paragraph shall be paid at the beginning of such person's employment as such an officer. In the case of any other Veterans' Administration police officer, an allowance in an amount established under this paragraph shall be paid upon the request of the officer.

(B) A police officer who resigns as a police officer less than one year after receiving an allowance in an amount established under this paragraph shall repay to the Veterans' Administration a pro rata share of the amount paid, based on the number of months the officer was actually employed as such an officer during the twelve-month period following the date on

which such officer began such employment or the date on which the officer submitted a request for such allowance, as the case may be.

(4) An allowance may not be paid to a Veterans' Administration police officer under this subsection and under section 5901 of title 5 for the same fiscal year.

(d) The Administrator shall furnish Veterans' Administration police officers with such weapons and related equipment as the Administrator determines to be necessary and appropriate.

(e) With the permission of the head of the agency concerned, the Administrator may use the facilities and services of Federal, State, and local law enforcement agencies when it is economical and in the public interest to do so.

(Added Pub. L. 93-43, § 4(a), June 18, 1973, 87 Stat. 79, and amended Pub. L. 98-528, title I, § 101(a)(1), Oct. 19, 1984, 98 Stat. 2686; Pub. L. 99-576, title II, § 211, Oct. 28, 1986, 100 Stat. 3257.)

AMENDMENTS

1986—Subsec. (b)(1). Pub. L. 99-576 amended par. (1) generally. Prior to amendment, par. (1) read as follows: "Veterans' Administration employees who are Veterans' Administration police officers shall enforce Federal laws and the rules prescribed under subsection (a)(2)(A) of this section on Veterans' Administration property. Subject to regulations prescribed under paragraph (2) of this subsection, a Veterans' Administration police officer may make arrests on Veterans' Administration property for a violation of any Federal law or of any such rule."

1984—Pub. L. 98-528 amended section generally, substituting provisions relating to security and law enforcement on property under jurisdiction of Veterans' Administration, for provisions relating to standards of conduct and arrests for crimes at hospitals, domicillaries, cemeteries, and other Veterans' Administration reservations.

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

EFFECTIVE DATE

Section effective June 18, 1973, see section 10(a) of Pub. L. 93-43, set out as a note under section 1000 of this title.

SAVINGS PROVISION

Section 101(a)(2) of Pub. L. 98-528 provided that: "The provisions of section 218 of title 38, United States Code, other than clause (2) of subsection (a) of such section, as in effect on the day before the date of the enactment of this Act [Oct. 19, 1984] shall remain in effect until the date on which the Administrator of Veterans' Affairs prescribes the regulations required to be prescribed by subsections (a) and (b) of such section as amended by subsection (a) of this section."

CROSS REFERENCES

Protection of Federal property under jurisdiction of Administrator of General Services, see sections 318 to 318d of Title 40, Public Buildings, Property, and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4107 of this title.

§ 219. Evaluation and data collection

(a) The Administrator, pursuant to general standards which the Administrator shall prescribe in regulations, shall measure and evaluate on a continuing basis the impact of all programs authorized under this title, in order to determine their effectiveness in achieving stated goals in general, and in achieving such goals in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services. Such information as the Administrator may deem necessary for purposes of such evaluations shall be made available to the Administrator, upon request, by all departments, agencies, and instrumentalities of the executive branch.

(b) In carrying out this section, the Administrator shall collect, collate, and analyze on a continuing basis full statistical data regarding participation (including the duration thereof), provision of services, categories of beneficiaries, planning and construction of facilities, acquisition of real property, proposed excessing of land, accretion and attrition of personnel, and categorized expenditures attributable thereto, under all programs carried out under this title.

(c) The Administrator shall make available to the public and on a regular basis provide to the appropriate committees of the Congress copies of all completed evaluative research studies and summaries of evaluations of program impact and effectiveness carried out, and tabulations and analyses of all data collected, under this section.

(Added Pub. L. 93-508, title II, § 213(a), Dec. 3, 1974, 88 Stat. 1586, and amended Pub. L. 99-576, title VII, § 701(12), Oct. 28, 1986, 100 Stat. 3291.)

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-576 substituted "which the Administrator" for "which he" and "to the Administrator" for "to him".

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

EFFECTIVE DATE

Section effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as an Effective Date of 1974 Amendment note under section 1652 of this title.

STUDY OF EFFECT OF VIETNAM EXPERIENCE ON HEALTH STATUS OF WOMEN VIETNAM VETERANS

Pub. L. 99-272, title XIX, § 19031, Apr. 7, 1986, 100 Stat. 385, provided that:

"(a) REQUIREMENT FOR EPIDEMIOLOGICAL STUDY.—(1)(A) Except as provided in paragraph (2), the Administrator of Veterans' Affairs shall provide for the conduct of an epidemiological study of any long-term adverse health effects (particularly gender-specific health effects) which have been experienced by women who served in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam era and which may have resulted from traumatic experiences during such service, from exposure during such service to phenoxy herbicides (including the her-

bicide known as Agent Orange), to other herbicides, chemicals, or medications that may have deleterious health effects, or to environmental hazards, or from any other experience or exposure during such service.

"(B) The Administrator may include in the study conducted under this paragraph an evaluation of the means of detecting and treating long-term adverse health effects (particularly gender-specific health effects) found through the study.

"(2)(A) If the Administrator, in consultation with the Director of the Office of Technology Assessment, determines that it is not feasible to conduct a scientifically valid study of an aspect of the matters described in paragraph (1)—

"(i) the Administrator shall promptly submit to the appropriate committees of the Congress a notice of that determination and the reasons for the determination; and

"(ii) the Director, not later than 60 days after the date on which such notice is submitted to the committees, shall submit to such committees a report evaluating and commenting on such determination.

"(B) The Administrator is not required to study any aspect of the matters described in paragraph (1) with respect to which a determination is made and a notice is submitted pursuant to subparagraph (A)(i).

"(C) If the Administrator submits to the Congress notice of a determination made pursuant to subparagraph (A) that it is not scientifically feasible to conduct the study described in paragraph (1)(A), this section (effective as of the date of such notice) shall cease to have effect as if repealed by law.

"(3) The Administrator shall provide for the study to be conducted through contracts or other agreements with private or public agencies or persons.

"(b) APPROVAL OF PROTOCOL.—(1) The study required by subsection (a) shall be conducted in accordance with a protocol approved by the Director of the Office of Technology Assessment.

"(2) Not later than July 1, 1986, the Administrator shall publish a request for proposals for the design of the protocol to be used in conducting the study under this section.

"(3) In considering any proposed protocol for use or approval under this subsection, the Administrator and the Director shall take into consideration—

"(A) the protocol approved under section 307(a)(2)(A)(i) of the Veterans Health Programs Extension and Improvement Act of 1979 (Public Law 96-151; 38 U.S.C. 219 note); and

"(B) the experience under the study being conducted pursuant to that protocol.

"(c) OTA REPORTS.—(1) Concurrent with the approval or disapproval of any protocol under subsection (b)(1), the Director shall submit to the appropriate committees of the Congress a report—

"(A) explaining the reasons for the Director's approval or disapproval of the protocol, as the case may be; and

"(B) containing the Director's conclusions regarding the scientific validity and objectivity of the protocol.

"(2) If the Director has not approved a protocol under subsection (b)(1) by the last day of the 180-day period beginning on the date of the enactment of this Act [Apr. 7, 1986], the Director—

"(A) shall, on such day, submit to the appropriate committees of the Congress a report describing the reasons why the Director has not approved such a protocol; and

"(B) shall, each 60 days thereafter until such a protocol is approved, submit to such committees an updated report on the report required by clause (A).

"(d) OTA MONITORING OF COMPLIANCE.—(1) In order to ensure compliance with the protocol approved under subsection (b)(1), the Director shall monitor the conduct of the study under subsection (a).

"(2)(A) The Director shall submit to the appropriate committees of the Congress, at each of the times specified in subparagraph (B), a report on the Director's

monitoring of the conduct of the study pursuant to paragraph (1).

"(B) A report shall be submitted under subparagraph (A)—

"(i) before the end of the 6-month period beginning on the date on which the Director approves the protocol referred to in paragraph (1);

"(ii) before the end of the 12-month period beginning on such date; and

"(iii) annually thereafter until the study is completed or terminated.

"(e) DURATION OF STUDY.—The study conducted pursuant to subsection (a) shall be continued for as long after the date on which the first report is submitted under subsection (f)(1) as the Administrator determines that there is a reasonable possibility of developing, through such study, significant new information on the health effects described in subsection (a)(1).

"(f) REPORTS.—(1) Not later than 24 months after the date of the approval of the protocol pursuant to subsection (b)(1) and annually thereafter, the Administrator shall submit to the appropriate committees of the Congress a report containing—

"(A) a description of the results obtained, before the date of such report, under the study conducted pursuant to subsection (a); and

"(B) any administrative actions or recommended legislation, or both, and any additional comments which the Administrator considers appropriate in light of such results.

"(2) Not later than 90 days after the date on which each report required by paragraph (1) is submitted, the Administrator shall publish in the Federal Register, for public review and comment, a description of any action that the Administrator plans or proposes to take with respect to programs administered by the Veterans' Administration based on—

"(A) the results described in such report;

"(B) the comments and recommendations received on that report; and

"(C) any other available pertinent information.

Each such description shall include a justification or rationale for the planned or proposed action.

"(g) DEFINITIONS.—For the purposes of this section:

"(1) The term 'gender-specific health effects' includes—

"(A) effects on female reproductive capacity and reproductive organs;

"(B) effects on reproductive outcomes;

"(C) effects on female-specific organs and tissues; and

"(D) other effects unique to the physiology of females.

"(2) The term 'Vietnam era' has the meaning given such term in section 101(29) of title 38, United States Code."

ADVISORY COMMITTEE ON NATIVE-AMERICAN VETERANS

Pub. L. 99-272, title XIX, § 19032, Apr. 7, 1986, 100 Stat. 388, as amended by Pub. L. 100-322, title IV, § 413, May 20, 1988, 102 Stat. 548, provided that:

"(a) ESTABLISHMENT OF COMMITTEE.—Not later than May 1, 1986, the Administrator of Veterans' Affairs shall establish an advisory committee to be known as the Advisory Committee on Native-American Veterans (hereinafter in this section referred to as the 'Committee').

"(b) DUTIES.—The Committee shall examine and evaluate programs and other activities of the Veterans' Administration with respect to the needs of veterans who are Native Americans, including American Indians, Alaska Natives, and Native Hawaiians. Such examination and evaluation shall include—

"(1) an assessment of the needs of such veterans with respect to health care, rehabilitation, readjustment counseling, outreach services, and other benefits and services under programs administered by the Veterans' Administration; and

"(2) a review of the manner in which and the extent to which the programs and other activities of the Veterans' Administration meet such needs.

"(c) MEMBERS.—The Committee shall consist of—

"(1) the Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment);

"(2) the Chief Medical Director and Chief Benefits Director of the Veterans' Administration or their representatives; and

"(3) members appointed by the Administrator from the general public, including—

"(A) representatives of veterans who are Native Americans, including American Indians, Alaska Natives, and Native Hawaiians and such veterans with service-connected disabilities; and

"(B) individuals who are recognized authorities in fields pertinent to the needs of such veterans, including the specific health-care needs of such veterans and the furnishing of health-care services by the Veterans' Administration to such veterans.

"(d) PARTICIPATION BY OTHER AGENCIES.—The Administrator may invite representatives of other departments and agencies of the Federal Government to participate in the meetings and other activities of the Committee.

"(e) NUMBER AND PAY OF MEMBERS.—The Administrator shall determine the number and pay and allowances of the members of the Committee appointed by the Administrator.

"(f) REPORTS.—(1) Not later than February 1, 1987, February 1, 1988, and February 1, 1989, the Committee shall submit to the Administrator a report containing the findings and any recommendations of the Committee regarding the matters described in subsection (b) that were examined and evaluated by the Committee during the preceding fiscal year.

"(2) Not later than 60 days after receiving each such report, the Administrator shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Administrator considers appropriate.

"(g) DEFINITIONS.—For the purposes of this section:

"(1) The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

"(2) The term 'Native Hawaiian' has the meaning given that term in section 813(3) [probably should be '815(3)'] of the Native American Programs Act of 1974 (42 U.S.C. 2992c(3)).

"(h) TERMINATION.—The Committee shall terminate 90 days after the date on which the third report is transmitted by the Administrator pursuant to subsection (f)(2)."

RADIATION EXPOSURE STUDY AND GUIDE

Pub. L. 98-160, title VI, Nov. 21, 1983, 97 Stat. 1006, as amended by Pub. L. 98-542, § 8(b), Oct. 24, 1984, 98 Stat. 2732, provided that:

"Sec. 601. (a)(1)(A) Subject to subparagraphs (B) and (C), the Administrator of Veterans' Affairs, through contracts or agreements with private or public agencies or persons and in consultation with the Director of the Office of Technology Assessment, shall provide for the conduct of epidemiological study of the long-term adverse health effects of exposure to ionizing radiation from the detonation of nuclear devices in connection with the test of such devices or in connection with the American occupation of Hiroshima and Nagasaki, Japan, during the period beginning on September 11, 1945, and ending on July 1, 1946, in persons who, while serving in the Armed Forces of the United States, were exposed to such radiation. Such study shall include, but not necessarily be limited to, a study of identifiable prevalent illnesses, including malignancies, in the persons exposed.

"(B) If the Administrator, in consultation with the Director of the Office of Technology Assessment, de-

termines that it is not feasible to conduct scientifically valid study of any or all of the matters required under subparagraph (A) to be studied—

"(i) the Administrator shall promptly submit to the appropriate committees of the Congress notice of that determination and the reasons therefor; and

"(ii) the Director, not later than 60 days after such notice is provided, shall submit to such committees a report evaluating and commenting on such determination.

"(C) If the Administrator notifies the Congress of a determination or determinations made pursuant to subparagraph (B), the matter or matters required under subparagraph (A) to be studied to which such determination or determinations apply shall not be required to be studied. If the Administrator notifies the Congress of a determination made pursuant to subparagraph (B) that, taken as a whole, study under subparagraph (A) is not scientifically feasible, the requirement in subparagraph (A) that the Administrator provide for the conduct of epidemiological study shall cease to have effect as if repealed by law.

"(2) Not later than one year after the date of the enactment of this Act [Nov. 21, 1983], the Administrator shall submit to the appropriate committees of the Congress a report on the development of a protocol or protocols for study under paragraph (1)(A). With respect to any such protocol under consideration for development, or in the process of development, that has not been completed by the end of such year, the report shall include an estimate of the completion date for such protocol and an estimate of the cost to be incurred in developing such protocol.

"(3)(A) The Director of the Office of Technology Assessment shall monitor the development of the protocol or protocols for, and the conduct of, study under paragraph (1)(A) and shall submit to the appropriate committees of the Congress, at each of the times specified in the next sentence, a report on such monitoring. Reports under the preceding sentence shall be submitted within 6 months after the date of the enactment of this Act [Nov. 21, 1983], within 12 months after such date, within 25 months after such date, and annually thereafter until such study is completed.

"(B) If any protocol to which paragraph (2) applies (or any part of such protocol) is not completed by the end of the 12-month period beginning on the date of the enactment of this Act, the Director shall periodically submit to such committees reports on the status of the development of such protocol.

"(4) When the Administrator has entered into a contract or agreement with an agency or person for the conduct of a study under paragraph (1)(A), the Administrator and such agency or person shall submit to the appropriate committees of the Congress a joint report containing a copy of the contract and an estimate of the total cost of such study.

"(5)(A) Not later than 24 months after the date of the enactment of this Act [Nov. 21, 1983], and annually thereafter, the Administrator shall submit to the appropriate committees of the Congress a report on the status of study under paragraph (1)(A). Such report shall contain (i) a description of the progress on and any results obtained under such study, and (ii) such comments, and such recommendations for administrative and legislative action, as the Administrator considers appropriate in light of such progress and results.

"(B) Immediately after the submission of each report under subparagraph (A), the Administrator, based on the results described in such report and the comments and recommendations included therein and any other available pertinent information, shall evaluate the need for any amendments to regulations, prescribed pursuant to section 5 of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act [section 5 of Pub. L. 98-542, set out as a note under section 354 of this title], for the resolution of claims for service connection based on the exposure specified

in subsection (a)(1)(B) of such section. To the extent that the Administrator determines that any amendments to such regulations are needed, the Administrator, not later than 90 days after such submission, shall develop and publish in the Federal Register, for public review and comment, proposed amendments to such regulations.

"(C) The requirement in subparagraph (A) for the submission of annual reports shall expire upon the submission of a report after the completion of study under paragraph (1)(A).

"(6) A contract to carry out study under paragraph (1)(A) may not be entered into unless (A) appropriations for payments under the contract have been provided in advance, or (B) the contract provides that the obligation of the United States to make payments under the contract is contingent upon the availability of funds appropriated for the making of such payments.

"(7) There are authorized to be appropriated such sums as may be necessary for the conduct of study under subsection (a)(1)(A).

"(b) Not later than one year after the date of the enactment of this Act [Nov. 21, 1983], the Administrator shall develop and distribute to appropriate Veterans' Administration personnel an indexed reference guide, derived from existing pertinent research-result compilations, designed to provide Veterans' Administration personnel who either furnish health care or adjudicate claims for benefits under title 38, United States Code, with readily usable information regarding the state of medical and other scientific information on any long-term adverse health effects in humans of exposure to ionizing radiation, including nuclear-device exposure, medical exposure, and occupational exposure.

"(c)(1) For the purpose of ensuring that any study, research, or other activity carried out by the Federal Government with respect to adverse health effects in humans from exposure to ionizing radiation is scientifically valid and is conducted with efficiency and objectivity, the President shall ensure that—

"(A) activities of the Veterans' Administration in connection with (i) study under subsection (a)(1)(A), (ii) the development of the guide required by subsection (b), and (iii) such additional research as may be identified, as a result of such study or the development of such guide or otherwise, as necessary for the resolution of questions regarding such effects are fully coordinated with studies and other activities which are planned, are being conducted, or have been completed by other departments, agencies, and instrumentalities of the Federal Government and which pertain to such effects, including the radioepidemiological tables mandated by section 7 of the Orphan Drug Act (Public Law 97-414; 96 Stat. 2059) [42 U.S.C. 241 note]; and

"(B) appropriate coordination and consultation occurs between and among the Administrator and the heads of such departments, agencies, and instrumentalities that may be engaged, during the conduct of study under subsection (a)(1)(A), in the design, conduct, monitoring, or evaluation of such radiation-exposure studies or related activities.

"(2) Not later than 90 days after the date of the enactment of this Act [Nov. 21, 1983], the President shall submit to the appropriate committees of the Congress a report containing a description of the steps taken and plans made to ensure the coordination and consultation required by paragraph (1)."

REPORT NOT LATER THAN JULY 1, 1984, ON THE USE OF FLEXIBLE AND COMPRESSED WORK SCHEDULES BY THE VETERANS' ADMINISTRATION

Pub. L. 97-251, § 10, Sept. 8, 1982, 96 Stat. 716, provided that: "Not later than July 1, 1984, the Administrator of Veterans' Affairs shall submit to Congress a report on the results of the use of flexible and compressed work schedules by the Veterans' Administration. Such report shall include (1) an evaluation of the

effects of the use of such schedules on the recruitment and retention of Veterans' Administration employees, on such employees' productivity and morale, and on such employees' effectiveness in carrying out the missions of the Veterans' Administration, and (2) such recommendations for administrative or legislative action, or both, as the Administrator considers appropriate in light of the need for and use of flexible and compressed work schedules by the Veterans' Administration."

AGENT ORANGE STUDY; REPORT TO CONGRESSIONAL COMMITTEES

Pub. L. 96-151, title III, § 307, Dec. 20, 1979, 93 Stat. 1097, as amended by Pub. L. 97-72, title IV, § 401, Nov. 3, 1981, 95 Stat. 1081; Pub. L. 98-542, § 8(a), Oct. 24, 1984, 98 Stat. 2731, provided that:

"(a)(1)(A) The Administrator of Veterans' Affairs shall design a protocol for and conduct an epidemiological study of any long-term adverse health effects in humans of service in the Armed Forces of the United States in the Republic of Vietnam during the period of the Vietnam conflict as such health effects may result from exposure to phenoxy herbicides (including the herbicide known as Agent Orange) and the class of chemicals known as the dioxins produced during the manufacture of such herbicides. In conducting such study, the Administrator may expand the scope of the study to include an evaluation of any long-term adverse health effects in humans of such service as such health effects may result from other factors involved in such service, including exposure to other herbicides, chemicals, medications, or environmental hazards or conditions. The Administrator may also include in the study an evaluation of the means of detecting and treating adverse health effects found through the study.

"(B) The Administrator shall also conduct a comprehensive review and scientific analysis of the literature covering other studies relating to whether there may be long-term adverse health effects in humans from exposure to phenoxy herbicides (including the herbicide known as Agent Orange) and the class of chemicals known as the dioxins produced during the manufacture of such herbicides. In conducting such review and analysis, the Administrator may expand the scope of such review and analysis to include a review and analysis of the literature covering other studies relating to whether there may be long-term adverse health effects in humans from other factors involved in service in the Armed Forces of the United States in the Republic of Vietnam during the period of the Vietnam conflict or in other comparable situations involving one or more of the factors described in the second sentence of subparagraph (A). The Administrator may also include a review and analysis of the means of detecting and treating adverse health effects found through any study covered by either such review and analysis.

"(2)(A)(i) The study conducted pursuant to paragraph (1) shall be conducted in accordance with a protocol approved by the Director of the Office of Technology Assessment.

"(ii) The Director shall monitor the conduct of such study in order to assure compliance with such protocol.

"(B)(i) Concurrent with the approval or disapproval of any protocol under subparagraph (A)(i), the Director of the Office of Technology Assessment shall submit to the appropriate committees of the Congress a report explaining the basis for the Director's action in approving or disapproving such protocol and providing the Director's conclusions regarding the scientific validity and objectivity of such protocol.

"(ii) In the event that the Director has not approved such protocol during the one hundred and eighty days following the date of the enactment of this Act [Dec. 20, 1979], the Director shall (1) submit to the appropriate committees of the Congress a report describing

the reasons why the Director has not given such approval, and (II) submit an update report on such initial report each sixty days thereafter until such protocol is approved.

"(C) The Director shall submit to the appropriate committees of the Congress, at each of the times specified in the second sentence of this subparagraph, a report on the Director's monitoring of the conduct of such study pursuant to subparagraph (A)(II). A report under the preceding sentence shall be submitted before the end of the six-month period beginning on the date of the approval of such protocol by the Director, before the end of the twelve-month period beginning on such date, and annually thereafter until such study is completed or terminated.

"(3) The study conducted pursuant to paragraph (1) shall be continued for as long after the submission of the first report under subsection (b)(2) as the Administrator may determine reasonable in light of the possibility of developing through such study significant new information on the long-term adverse health effects of exposure to dioxins.

"(b)(1) Not later than twelve months after the date of the enactment of this Act (Dec. 20, 1979), the Administrator shall submit to the appropriate committees of the Congress a report on the literature review and analysis conducted under subsection (a)(1).

"(2) Not later than twenty-four months after the date of the approval of the protocol pursuant to subsection (a)(2)(A)(i) and annually thereafter, the Administrator shall submit to the appropriate committees of the Congress a report containing (A) a description of the results thus far obtained under the study conducted pursuant to such subsection, and (B) such comments and recommendations for administrative or legislative action, or both, as the Administrator considers appropriate in light of such results.

"(3) Immediately after the submission of each report under paragraph (2), the Administrator, based on the results described in such report and the comments and recommendations included therein and any other available pertinent information, shall evaluate the need for any amendments to regulations, prescribed pursuant to section 5 of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (section 5 of Pub. L. 98-528, set out as a note under section 354 of this title), for the resolution of claims for service connection based on the exposure specified in subsection (a)(1)(A) of such section. To the extent that the Administrator determines that any amendments to such regulations are needed, the Administrator, not later than 90 days after such submission, shall develop and publish in the Federal Register, for public review and comment, proposed amendments to such regulations.

"(4) The first report submitted under paragraph (2) shall include the Administrator's recommendation, and reasons therefor, with respect to whether the authority to provide care and services under and by virtue of section 610(a)(5) of title 38, United States Code, should be extended beyond the expiration period specified by section 610(e)(3) of such title.

"(c) For the purpose of assuring that any study carried out by the Federal Government with respect to the adverse health effects in humans of exposure to dioxins is scientifically valid and is conducted with efficiency and objectivity, the President shall assure that—

"(1) the study conducted pursuant to subsection (a) is fully coordinated with studies which are planned, are being conducted, or have been completed by other departments, agencies, and instrumentalities of the Federal Government and which pertain to the adverse health effects in humans of exposure to dioxins; and

"(2) all appropriate coordination and consultation is accomplished between and among the Administrator and the heads of such departments, agencies, and instrumentalities that may be engaged, during the conduct of the study carried out pursuant to

subsection (a), in the design, conduct, monitoring, or evaluation of such dioxin-exposure studies.

"(d) There are authorized to be appropriated such sums as may be necessary for the conduct of the study required by subsection (a)."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3301 of this title.

§ 220. Coordination and promotion of other programs affecting veterans and their dependents

(a) The Administrator shall seek to achieve the maximum feasible effectiveness, coordination, and interrelationship of services among all programs and activities affecting veterans and their dependents carried out by and under all other departments, agencies, and instrumentalities of the executive branch and shall seek to achieve the maximum feasible coordination of such programs with programs carried out under this title, and shall actively promote the effective implementation, enforcement, and application of all provisions of law and regulations providing for special consideration, emphasis, or preference for veterans.

(b) The Administrator shall seek to achieve the effective coordination of the provision, under laws administered by the Veterans' Administration, of benefits and services (and information about such benefits and services) with appropriate programs (and information about such programs) conducted by State and local governmental agencies and by private entities at the State and local level. In carrying out this subsection, the Administrator shall place special emphasis on veterans who are sixty-five years of age or older.

(Added Pub. L. 93-508, title II, § 213(a), Dec. 3, 1974, 88 Stat. 1587, and amended Pub. L. 96-466, title VII, § 701(a), (b)(1), Oct. 17, 1980, 94 Stat. 2215; Pub. L. 98-528, title I, § 106(a), (b)(1), Oct. 19, 1984, 98 Stat. 2690.)

AMENDMENTS

1984—Pub. L. 98-528 substituted "other programs" for "other Federal programs" in section catchline, designated existing provisions as subsec. (a), and added subsec. (b).

1980—Pub. L. 96-466 inserted "and promotion" after "Coordination" in section catchline and inserted provisions in text relating to promoting the effective implementation, enforcement, and application of all provisions of law and regulations providing for special consideration, emphasis, or preference for veterans.

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 802(g)(1) of Pub. L. 96-466 provided that: "The amendments made by section 701 [amending this section] shall become effective on October 1, 1980."

EFFECTIVE DATE

Section effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as an Effective Date of 1974 Amendment note under section 1652 of this title.

§ 221. Advisory Committee on Former Prisoners of War

(a)(1) The Administrator shall establish an advisory committee to be known as the Advisory Committee on Former Prisoners of War (hereinafter in this section referred to as the "Committee").

(2) The members of the Committee shall be appointed by the Administrator from the general public and shall include—

(A) appropriate representatives of veterans who are former prisoners of war;

(B) individuals who are recognized authorities in fields pertinent to disabilities prevalent among former prisoners of war, including authorities in epidemiology, mental health, nutrition, geriatrics, and internal medicine; and

(C) appropriate representatives of disabled veterans.

The Committee shall also include, as ex officio members, the Chief Medical Director and the Chief Benefits Director, or their designees.

(3) The Administrator shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Administrator, except that the term of service of any such member may not exceed three years.

(b) The Administrator shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits under this title for veterans who are former prisoners of war and the needs of such veterans with respect to compensation, health care, and rehabilitation.

(c) Not later than July 1, 1983, and not later than July 1 of each second year thereafter, the Committee shall submit to the Administrator a report on the programs and activities of the Veterans' Administration that pertain to veterans who are former prisoners of war. The Committee shall include in each such report an assessment of the needs of such veterans with respect to compensation, health care, and rehabilitation, a review of the programs and activities of the Veterans' Administration designed to meet such needs, and such recommendations (including recommendations for administrative and legislative action) as the Committee considers to be appropriate. The Administrator shall immediately submit such report to the Congress with any comments concerning the report that the Administrator considers appropriate. The Committee may also submit to the Administrator such other reports and recommendations as the Committee considers appropriate. The Administrator shall submit with each annual report submitted to the Congress pursuant to section 214 of this title a summary of all reports and recommendations of the Committee submitted to the Administrator since the previous annual report of the Administrator submitted to the Congress pursuant to such section.

(Added Pub. L. 97-37, § 2(a), Aug. 14, 1981, 95 Stat. 935.)

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans

Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

§ 222. Advisory Committee on Women Veterans

(a) The Administrator shall establish an advisory committee to be known as the Advisory Committee on Women Veterans (hereinafter in this section referred to as "the Committee").

(b)(1)(A) The Committee shall consist of members appointed by the Administrator from the general public, including—

(i) representatives of women veterans;

(ii) individuals who are recognized authorities in fields pertinent to the needs of women veterans, including the gender-specific health-care needs of women; and

(iii) representatives of both female and male veterans with service-connected disabilities, including at least one female veteran with a service-connected disability and at least one male veteran with a service-connected disability.

(B) The Committee shall include, as ex officio members—

(i) the Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment);²

(ii) the Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary after consultation with the Defense Advisory Committee on Women in the Services); and

(iii) the Chief Medical Director and Chief Benefits Director, or their designees.

(C) The Administrator may invite representatives of other departments and agencies of the United States to participate in the meetings and other activities of the Committee.

(2) The Administrator shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Administrator, except that a term of service of any such member may not exceed 3 years. The Administrator may reappoint any such member for additional terms of service.

(c) The Administrator shall, on a regular basis, consult with and seek the advice of the Committee with respect to—

(1) the administration of benefits by the Veterans' Administration for women veterans;

(2) reports and studies pertaining to women veterans; and

(3) the needs of women veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Veterans' Administration.

(d)(1) Not later than July 1, 1984, and not later than July 1 of each second year thereafter, the Committee shall submit to the Administrator a report on the programs and activities of the Veterans' Administration that

² See Change of Name note below.

pertain to women veterans. Each such report shall contain (A) an assessment of the needs of such veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Veterans' Administration, (B) a review of the programs and activities of the Veterans' Administration designed to meet such needs, and (C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate. Within 60 days after receiving each such report, the Administrator shall submit to the Congress a copy of the report, together with any comments concerning the report that the Administrator considers appropriate.

(2) The Committee may submit to the Administrator such other reports and recommendations as the Committee considers appropriate.

(3) The Administrator shall submit with each annual report submitted to the Congress pursuant to section 214 of this title a summary of all reports and recommendations of the Committee submitted to the Administrator since the previous annual report of the Administrator submitted pursuant to such section.

(Added Pub. L. 98-160, title III, § 301(a), Nov. 21, 1983, 97 Stat. 1003.)

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

Reference to Assistant Secretary of Labor for Veterans' Employment in any law in force on Nov. 8, 1988, deemed to be a reference to Assistant Secretary of Labor for Veterans' Employment and Training, see section 2(b)(3) of Pub. L. 99-619, set out as a References in Other Laws note under section 553 of Title 29, Labor.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the two-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 223. Rulemaking: procedures and judicial review *

(a) In applying section 552(a)(1) of title 5 to the Veterans' Administration, the Administrator shall ensure that subparagraphs (C), (D), and (E) of that section are complied with, particularly with respect to opinions and interpretations of the General Counsel.

(b) The provisions of section 553 of title 5 shall apply, without regard to subsection (a)(2) of that section, to matters relating to loans, grants, or benefits under a law administered by the Administrator.

(c) An action of the Administrator to which section 552(a)(1) or 553 of title 5 (or both) refers (other than an action relating to the

adoption or revision of the schedule of ratings for disabilities adopted under section 355 of this title) is subject to judicial review. Such review shall be in accordance with chapter 7 of title 5 and may be sought only in the United States Court of Appeals for the Federal Circuit. However, if such review is sought in connection with an appeal brought under the provisions of chapter 72 of this title, the provisions of that chapter shall apply rather than the provisions of chapter 7 of title 5.

(Added Pub. L. 100-687, div. A, title I, § 102(a)(1), Nov. 18, 1988, 102 Stat. 4106.)

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

EFFECTIVE DATE

Section effective Sept. 1, 1989, see section 401(a) of Pub. L. 100-687, set out as a note under section 4051 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 211 of this title.

§ 223. Administrative settlement of tort claims *

(a) Notwithstanding the limitations contained in section 2672 of title 28, the Administrator may settle any claim for money damages against the United States cognizable under section 1346(b) or 2672 of title 28 or section 4116 of this title to the extent the authority to do so is delegated to the Administrator by the Attorney General. Such delegation may not exceed the authority delegated by the Attorney General to United States attorneys to settle claims for money damages against the United States.

(b) For purposes of this subsection, the term "settle", with respect to a claim, means consider, ascertain, adjust, determine, and dispose of the claim, whether by full or partial allowance or by disallowance.

(Added Pub. L. 100-322, title II, § 203(b)(1), May 20, 1988, 102 Stat. 509.)

CHANGE OF NAME

Reference to Administrator deemed to refer to Secretary of Veterans Affairs pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

SUBCHAPTER III—VETERANS' ADMINISTRATION REGIONAL OFFICES: EMPLOYEES

§ 230. Central and regional offices

(a) The Central Office of the Veterans' Administration shall be in the District of Columbia. The Administrator may establish such regional offices and such other field offices within the United States, its Territories, Com-

* So in original. Another section 223 is set out preceding this section.

monwealths, and possessions, as the Administrator deems necessary.

(b) The Administrator may exercise authority under this section in territory of the Republic of the Philippines until September 30, 1991.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1116; Pub. L. 86-103, July 23, 1959, 73 Stat. 224; Pub. L. 87-815, § 5, Oct. 15, 1962, 76 Stat. 927; Pub. L. 91-338, July 16, 1970, 84 Stat. 437; Pub. L. 93-82, title IV, § 401, Aug. 2, 1973, 87 Stat. 196; Pub. L. 95-520, § 2, Oct. 26, 1978, 92 Stat. 1820; Pub. L. 96-22, title V, § 503(a), June 13, 1979, 93 Stat. 65; Pub. L. 96-385, title V, § 501, Oct. 7, 1980, 94 Stat. 1533; Pub. L. 97-295, § 4(6), Oct. 12, 1982, 96 Stat. 1305; Pub. L. 99-108, § 1, Sept. 30, 1985, 99 Stat. 481; Pub. L. 99-166, title IV, § 402, Dec. 3, 1985, 99 Stat. 957; Pub. L. 99-576, title VII, § 701(13), Oct. 28, 1986, 100 Stat. 3291; Pub. L. 100-689, title V, § 501(a), Nov. 18, 1988, 102 Stat. 4179.)

AMENDMENTS

1988—Subsec. (b). Pub. L. 100-689 substituted "1991" for "1988".

1986—Subsec. (a). Pub. L. 99-576 substituted "as the Administrator" for "as he".

1985—Subsec. (b). Pub. L. 99-166 substituted "September 30, 1988" for "October 31, 1985".

Pub. L. 99-108 substituted "October 31, 1985" for "September 30, 1985".

1982—Subsec. (b). Pub. L. 97-295 substituted "Philippines" for "Philippines".

1980—Subsec. (b). Pub. L. 96-385 substituted "September 30, 1985" for "September 30, 1981".

1979—Subsec. (c). Pub. L. 96-22 struck out subsec. (c) which authorized the establishment and maintenance of an office in Europe.

1978—Subsec. (b). Pub. L. 95-520 substituted "September 30, 1981" for "June 30, 1978".

1973—Subsec. (b). Pub. L. 93-82 substituted "June 30, 1978" for "July 3, 1974".

1970—Subsec. (b). Pub. L. 91-338 substituted "July 3, 1974" for "June 30, 1970".

1962—Subsec. (c). Pub. L. 87-815 added subsec. (c).

1959—Subsec. (b). Pub. L. 86-103 substituted "June 30, 1970" for "June 30, 1960".

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-385 effective Oct. 1, 1980, see section 601(b) of Pub. L. 96-385, set out as a note under section 314 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-82 effective Sept. 1, 1973, see section 501 of Pub. L. 93-82, set out as a note under section 601 of this title.

RATIFICATION FOR LAPSED PERIOD

Section 501(b) of Pub. L. 100-689 provided that: "Any action by the Administrator of Veterans' Affairs in providing, during the period beginning on October 1, 1988, and ending on the date of the enactment of this Act [Nov. 18, 1988], for a Veterans' Administration Regional Office in the Republic of the Philippines under section 230 of title 38, United States Code, is hereby ratified with respect to that period."

§ 231. Placement of employees in military installations

The Administrator may place officers and employees of the Veterans' Administration in such Army, Navy, and Air Force installations as may be deemed advisable for the purpose of adjudicating disability claims of, and giving aid and advice to, members of the Armed Forces who are about to be discharged or released from active military, naval, or air service.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1116.)

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

[§ 232. Repealed. Pub. L. 91-24, § 2(a), June 11, 1969, 83 Stat. 33]

Section, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1116, authorized Administrator to contract for services of translators without regard to certain provisions of law.

§ 233. Employees' apparel; school transportation; recreational equipment; visual exhibits; personal property; emergency transportation of employees

(a) The Administrator, subject to such limitations as the Administrator may prescribe, may—

(1) furnish and launder such wearing apparel as may be prescribed for employees in the performance of their official duties;

(2) transport children of Veterans' Administration employees located at isolated stations to and from school in available Government-owned automotive equipment;

(3) provide recreational facilities, supplies, and equipment for the use of patients in hospitals, and employees in isolated installations;

(4) provide for the preparation, shipment, installation, and display of exhibits, photographic displays, moving pictures and other visual educational information and descriptive material; and

(5) reimburse employees for the cost of repairing or replacing their personal property damaged or destroyed by patients or domiciliary members while such employees are engaged in the performance of their official duties.

For the purposes of paragraph (4) of this subsection, the Administrator may purchase or rent equipment.

(b) The Administrator, upon determining that an emergency situation exists and that such action is necessary for the effective conduct of the affairs of the Veterans' Administration, may utilize Government-owned, or leased, vehicles to transport employees to and from their place of employment and the nearest adequate public transportation, or, if such public transportation is either unavailable or not feasible to use, to and from their place of employment and their home. The Administrator shall establish reasonable rates to cover the cost of the service rendered, and all proceeds collected

therefrom shall be applied to the applicable appropriation.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1116; Pub. L. 87-574, § 1(1), Aug. 6, 1962, 76 Stat. 308; Pub. L. 89-785, title III, § 303(a), (b), Nov. 7, 1966, 80 Stat. 1376, 1377; Pub. L. 99-576, title VII, §§ 701(14), 702(2), Oct. 28, 1986, 100 Stat. 3291, 3301.)

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-576, §§ 701(14)(A), 702(2), substituted "as the Administrator" for "as he" in introductory text and "paragraph (4) of this subsection" for "subparagraph (4)" in last sentence.

Subsec. (b). Pub. L. 99-576, § 701(14)(B), substituted "upon determining" for "when he determines".

1966—Pub. L. 89-785 inserted "; emergency transportation of employees" in section catchline, designated existing provisions as subsec. (a), and added subsec. (b).

1962—Pub. L. 87-574 inserted "; personal property" in section catchline and added subpar. (5).

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

§ 234. Telephone service for medical officers and facility directors

The Administrator may pay for official telephone service and rental in the field whenever incurred in case of official telephones for non-medical directors of centers, hospitals, independent clinics, domiciliaries, and medical officers of the Veterans' Administration where such telephones are installed in private residences or private apartments or quarters, when authorized under regulations established by the Administrator.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1117; Pub. L. 93-82, title IV, § 402(a), (c), Aug. 2, 1973, 87 Stat. 196.)

AMENDMENTS

1973—Pub. L. 93-82 inserted "and facility directors" in section catchline and authorized payment of telephone bills of nonmedical directors of centers, hospitals, independent clinics, and domiciliaries also.

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-82 effective Sept. 1, 1973, see section 501 of Pub. L. 93-82, set out as a note under section 601 of this title.

§ 235. Benefits to employees at overseas offices who are United States citizens

(a) The Administrator may, under such rules and regulations as may be prescribed by the President or the President's designee, provide to personnel of the Veterans' Administration who are United States citizens and are assigned

by the Administrator to the Veterans' Administration offices in the Republic of the Philippines allowances and benefits similar to those provided by the following provisions of law:

(1) Section 905 of the Foreign Service Act of 1980 (relating to allowances to provide for the proper representation of the United States).

(2) Sections 901(1), (2), (3), (4), (7), (8), (9), (11), and (12) of the Foreign Service Act of 1980 (relating to travel expenses).

(3) Section 901(13) of the Foreign Service Act of 1980 (relating to transportation of automobiles).

(4) Section 903 of the Foreign Service Act of 1980 (relating to the return of personnel to the United States on leave of absence).

(5) Section 904(d) of the Foreign Service Act of 1980 (relating to payments by the United States of expenses for treating illness or injury of officers or employees and dependents requiring hospitalization).

(6) Section 5724a(a)(3) of title 5 (relating to subsistence expenses for 30 days in connection with the return to the United States of the employee and such employee's immediate family).

(7) Section 5724a(a)(4) of title 5 (relating to the sale and purchase of the residence or settlement of an unexpired lease of the employee when transferred from one station to another station and both stations are in the United States, its territories or possessions, or the Commonwealth of Puerto Rico).

(b) The authority in subsection (a) of this section supplements, but is not in lieu of, other allowances and benefits for overseas employees of the Veterans' Administration provided by title 5 and the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.).

(Added Pub. L. 86-116, § 1, July 28, 1959, 73 Stat. 265, and amended Pub. L. 87-815, § 6, Oct. 15, 1962, 76 Stat. 927; Pub. L. 89-300, § 1(c), Oct. 28, 1965, 79 Stat. 1110; Pub. L. 96-22, title V, § 503(b), (c)(1), June 13, 1979, 93 Stat. 65; Pub. L. 96-465, title II, § 2208(g), Oct. 17, 1980, 94 Stat. 2163; Pub. L. 99-576, title VII, §§ 701(15), 702(3), Oct. 28, 1986, 100 Stat. 3291, 3301.)

REFERENCES IN TEXT

The Foreign Service Act of 1980, referred to in subsecs. (a)(1)-(5), (b), is Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, as amended, which is classified principally to chapter 52 (§ 3901 et seq.) of Title 22, Foreign Relations and Intercourse. Sections 901, 903, 904(d), and 905 of the Foreign Service Act of 1980 are classified to sections 4081, 4083, 4084(d), and 4085, respectively of Title 22. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of Title 22 and Tables.

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-576, §§ 702(3)(A), (B), designated first sentence of existing provisions as subsec. (a), substituted "or the President's" for "or his", and further indented pars. (1) to (7).

Subsec. (a)(5). Pub. L. 99-576, § 702(3)(C), inserted "Service" after "Foreign".

Subsec. (b). Pub. L. 99-576, § 702(3)(D), (E), designated second sentence of existing provisions as subsec.

¹ So in original.

(b), and substituted "The authority in subsection (a) of this section" for "The foregoing authority" and "title 5 and the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)" for "titles 5 and 22".

1980—Par. (1), Pub. L. 96-465, § 2206(g)(1), substituted "Section 905 of the Foreign Service Act of 1980" for "Section 1131 of title 22".

Par. (2), Pub. L. 96-465, § 2206(g)(2), substituted "Sections 901(1), (2), (3), (4), (7), (8), (9), (11), and (12) of the Foreign Service Act of 1980" for "Section 1136(1), (2), (3), (4), (5), (7), and (11) of title 22".

Par. (3), Pub. L. 96-465, § 2206(g)(3), substituted "Section 901(13) of the Foreign Service Act of 1980" for "Section 1138 of title 22".

Par. (4), Pub. L. 96-465, § 2206(g)(4), substituted "Section 903 of the Foreign Service Act of 1980" for "Section 1148 of title 22".

Par. (5), Pub. L. 96-465, § 2206(g)(5), substituted "Section 904(d) of the Foreign Service Act of 1980" for "Section 1156 of title 22".

1979—Pub. L. 96-22 substituted "overseas" for "over-sea" in section catchline, struck out "or to the Veterans' Administration office in Europe, established pursuant to section 230(c) of this title," after "Republic of the Philippines" in provisions preceding par. (1), substituted "(7), and (11)" for "and (7)" in par. (2), and added pars. (6) and (7).

1965—Pub. L. 89-300 redesignated former subsec. (a) as entire section, struck out references to repealed or superseded sections of the Foreign Service Act of 1946, restated the current applicable references in terms of United States Code citations, inserted sentence providing that the foregoing authority supplements, but is not in lieu of, other allowances and benefits for overseas employees of the Veterans' Administration provided by Titles 5 and 22, and omitted former subsec. (b) which permitted overseas employees of the Veterans' Administration to be granted leaves of absence in the United States similar to that provided by section 203(f) of the Annual and Sick Leave Act of 1951.

1962—Pub. L. 87-815 inserted "or to the Veterans' Administration office established in Europe pursuant to section 230(c) of this title" in two places, and substituted "at overseas offices" for "in the Republic of the Philippines" in section catchline.

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1979 AMENDMENT

Section 503(d) of Pub. L. 96-22 provided that: "The amendment made by subsection (b)(3) [amending this section] shall take effect on October 1, 1979."

SAVINGS PROVISION

Section 1(d) of Pub. L. 89-300 provided that: "All delegations of authority, orders, regulations, directives, or other official actions, with respect to the benefits and allowances provided by such section 235 of title 38, United States Code, shall continue in full force and effect until modified, amended, superseded, or revoked."

EX. ORD. NO. 12228. ALLOWANCES FOR PERSONNEL ON FOREIGN DUTY

Ex. Ord. No. 12228, July 24, 1980, 45 F.R. 49903, as amended by Ex. Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13967, provided:

By the authority vested in me as President of the United States of America by Sections 7 and 8 of the Defense Department Overseas Teachers Pay and Personnel Practices Act of 1959, as amended (20 U.S.C. 905-906), Section 235 of Title 38 of the United States Code, and Section 301 of Title 3 of the United States Code, and in order to delegate authority with respect to allowances for Veterans Administration personnel and to update existing authorities, it is hereby ordered as follows:

1-101. Payment of the additional compensation authorized by Section 8(a)(2) of the Defense Department Overseas Teachers Pay and Personnel Practices Act of 1959, as amended, shall be governed by the regulations contained in Executive Order No. 10000, as amended [set out as a note under section 5941 of Title 5, Government Organization and Employees], which govern the payment of additional compensation in foreign areas (referred to as foreign post differential), subject to the provisions of Section 8(b) of that Act (20 U.S.C. 906(a)(2) and (b)).

1-102. The following functions vested in the President are delegated to the Secretary of State:

(a) That part of the functions in Section 7(a) of the Defense Department Overseas Teachers Pay and Personnel Practices Act which consists of the authority to prescribe regulations relating to quarters and quarters allowances (20 U.S.C. 905(a)).

(b) The authority in Section 8(a)(1) of the Defense Department Overseas Teachers Pay and Personnel Practices Act to prescribe regulations relating to cost of living allowances (20 U.S.C. 906(a)(1)).

(c) The following authority in Section 235 of Title 38 of the United States Code to prescribe rules and regulations:

(1) Section 235(2), except as that section pertains to an allowance similar to that provided for in Section 901(6) of the Foreign Service Act of 1980 (22 U.S.C. 4081(6));

(2) Section 235(3);

(3) Section 235(5);

(4) Section 235(6); and

(5) Section 235(7).

1-103. The following functions vested in the President by Section 235 of Title 38 of the United States Code are delegated to the Administrator of the Veterans Administration. The authority with respect to the allowances or benefits of paragraphs (1) and (4) of Section 235 which are similar to the benefits and allowances provided in the sections of the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.], designated in those paragraphs.

1-104. Executive Order No. 10853, as amended, is revoked. The rules and regulations which were prescribed by the Secretary of State or the Administrator of the Veterans Administration pursuant to Executive Order No. 10853, as amended, and which would be valid if issued pursuant to this Order, shall be deemed to have been issued under this Order.

§ 236. Administrative settlement of tort claims arising in foreign countries

The Administrator may pay tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, when such claims arise in foreign countries in connection with Veterans' Administration operations abroad. A claim may not be allowed under this section unless it is presented in writing to the Administrator or the Administrator's designee within two years after the claim accrues.

(Added Pub. L. 89-300, § 1(a), Oct. 28, 1965, 79 Stat. 1110, and amended Pub. L. 99-576, title VII, § 701(16), Oct. 28, 1986, 100 Stat. 3292.)

AMENDMENTS

1986—Pub. L. 99-576 substituted "the Administrator's" for "his".

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

SUBCHAPTER IV—VETERANS OUTREACH SERVICES PROGRAM

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1685, 2003 of this title; title 29 section 1721.

§ 240. Purpose; definitions

(a) The Congress declares that the outreach services program authorized by this subchapter is for the purpose of insuring that all veterans, especially those who have been recently discharged or released from active military, naval, or air service and those who are eligible for readjustment or other benefits and services under laws administered by the Veterans' Administration are provided timely and appropriate assistance to aid and encourage them in applying for and obtaining such benefits and services in order that they may achieve a rapid social and economic readjustment to civilian life and obtain a higher standard of living for themselves and their dependents. The Congress further declares that the outreach services program authorized by this subchapter is for the purpose of charging the Veterans' Administration with the affirmative duty of seeking out eligible veterans and eligible dependents and providing them with such services.

(b) For the purposes of this subchapter, (1) the term "other governmental programs" shall include all programs under State or local laws as well as all programs under Federal law other than those authorized by this title, and (2) the term "eligible dependent" means an "eligible person" as defined in section 1701(a)(1) of this title.

(Added Pub. L. 91-219, title II, § 214(a), Mar. 26, 1970, 84 Stat. 84, and amended Pub. L. 92-540, title IV, § 410(a), Oct. 24, 1972, 86 Stat. 1092.)

AMENDMENTS

1972—Subsec. (a), Pub. L. 92-540 inserted "and encourage" after "aid".

CHANGE OF NAME

Reference to Veterans' Administration deemed to refer to Department of Veterans Affairs pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

§ 241. Outreach services

The Administrator shall provide the following outreach services in carrying out the purposes of this subchapter (including the provision, to the maximum feasible extent, of such services, in areas where a significant number of eligible veterans and eligible dependents speak a language other than English as their principal

language, in the principal language of such persons):

(1) The Administrator shall by letter advise each veteran at the time of the veteran's discharge or release from active military, naval, or air service, or as soon as possible thereafter, of all benefits and services under laws administered by the Veterans' Administration for which the veteran may be eligible. In carrying out this paragraph, the Administrator shall insure, through the utilization of veteran-student services under section 1685 of this title, that contact, in person or by telephone, is made with those veterans who, on the basis of their military service records, do not have a high school education or equivalent at the time of discharge or release.

(2) The Administrator shall distribute full information to eligible veterans and eligible dependents regarding all benefits and services to which they may be entitled under laws administered by the Veterans' Administration and may, to the extent feasible, distribute information on other governmental programs (including manpower and training programs) which the Administrator determines would be beneficial to veterans.

(3) The Administrator shall provide, to the maximum extent possible, aid and assistance (including personal interviews) to members of the Armed Forces, veterans, and eligible dependents in respect to paragraphs (1) and (2) of this section and in the preparation and presentation of claims under laws administered by the Veterans' Administration.

(Added Pub. L. 91-219, title II, § 214(a), Mar. 26, 1970, 84 Stat. 84, and amended Pub. L. 92-540, title IV, § 410(b), Oct. 24, 1972, 86 Stat. 1092; Pub. L. 93-508, title II, § 214(1), (2), Dec. 3, 1974, 88 Stat. 1587; Pub. L. 99-576, title VII, §§ 701(17), 702(4), Oct. 28, 1986, 100 Stat. 3292, 3301.)

AMENDMENTS

1986—Par. (1), Pub. L. 99-576, §§ 701(17)(A), 702(4)(A)-(C), inserted "The Administrator shall", and substituted "the veterans" for "his", "eligible. In carrying" for "eligible and, in carrying", and a period for a semicolon at end.

Par. (2), Pub. L. 99-576, §§ 701(17)(B), 702(4)(D), (E), inserted "The Administrator shall", and substituted "which the Administrator" for "which he" and a period for "; and" at end.

Par. (3), Pub. L. 99-576, § 702(4)(F), (G), inserted "The Administrator shall", and substituted "paragraphs (1) and (2) of this section" for "clauses (1) and (2) above".

1974—Pub. L. 93-508 in provisions preceding par. (1), substituted "following outreach services in carrying out the purposes of this subchapter (including the provision, to the maximum feasible extent, of such services, in areas where a significant number of eligible dependents speak a language other than English as their principal language, in the principal language of such persons)" for "following outreach services", and in par. (2), substituted "distribute full information to eligible veterans and eligible dependents" for "distribute full information".

1972—Pub. L. 92-540 in par. (1) substituted provisions relating to the Administrator making contact, in person or by telephone through the utilization of veteran-student services under section 1685 of this title, with those veterans who, on the basis of their military

service records, do not have a high school education or equivalent at the time of discharge or release, for provisions relating to the Administrator giving priority to so advising such veterans.

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 1652 of this title.

OUTREACH SERVICES

Pub. L. 100-687, div. B, title XII, § 1204, Nov. 18, 1988, 102 Stat. 4125, provided that:

"(a) ONGOING OUTREACH PROGRAM.—The Administrator shall conduct an active, continuous outreach program for furnishing to veterans of active military, naval, or air service who served in the Republic of Vietnam during the Vietnam era information relating to—

"(1) the health risks (if any) resulting from exposure during that service to dioxin or any other toxic agent in herbicides used in support of United States and allied military operations in the Republic of Vietnam during the Vietnam era, as such information on health risks becomes known; and

"(2) services and benefits available to such veterans with respect to such health risks.

"(b) INFORMATION IN AGENT ORANGE REGISTRY.—The Administrator shall take reasonable actions to organize and update the information contained in the Veterans' Administration Agent Orange Registry in a manner that enables the Administrator promptly to notify a veteran of any increased health risk for such veteran resulting from exposure of such veteran to dioxin or any other toxic agent referred to in subsection (a) during Vietnam-era service in the Republic of Vietnam whenever the Administrator determines, on the basis of physical examination or other pertinent information, that such veteran is subject to such an increased health risk."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2014 of this title.

§ 242. Veterans assistance offices

(a) The Administrator shall establish and maintain veterans assistance offices at such places throughout the United States and its territories and possessions, and the Commonwealth of Puerto Rico, as the Administrator determines to be necessary to carry out the purposes of this subchapter, with due regard for the geographical distribution of veterans recently discharged or released from active military, naval, or air service, the special needs of educationally disadvantaged veterans (including their need for accessibility of outreach services), and the necessity of providing appropriate outreach services in less populated areas.

(b) The Administrator shall establish and carry out all possible programs and services, including special telephone facilities, as may be necessary to make the outreach services provided for under this subchapter as widely available as possible.

(Added Pub. L. 91-219, title II, § 214(a), Mar. 26, 1970, 84 Stat. 85, and amended Pub. L. 93-508,

title II, § 214(3), Dec. 3, 1974, 88 Stat. 1587; Pub. L. 99-576, title VII, § 701(18), Oct. 28, 1986, 100 Stat. 3292.)

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-576 substituted "as the Administrator" for "as he".

1974—Subsec. (b). Pub. L. 93-508 substituted "shall establish and carry out all possible programs and services, including special telephone facilities," for "may implement such special telephone service".

CHANGE OF NAME

Reference to Administrator deemed to refer to Secretary of Veterans Affairs pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 1652 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2003A of this title.

§ 243. Outstationing of counseling and outreach personnel

The Administrator may station employees of the Veterans' Administration at locations other than Veterans' Administration offices, including educational institutions, to provide counseling and other assistance regarding benefits under this title to veterans and other persons eligible for benefits under this title and to provide outreach services under this subchapter.

(Added Pub. L. 93-508, title II, § 214(4), Dec. 3, 1974, 88 Stat. 1587, and amended Pub. L. 97-295, § 4(7), Oct. 12, 1982, 96 Stat. 1305; Pub. L. 97-306, title II, § 201(a), Oct. 14, 1982, 96 Stat. 1433.)

AMENDMENTS

1982—Pub. L. 97-306 substituted provisions authorizing the Administrator to outstation counseling and outreach personnel for provisions directing the Administrator to station such personnel in certain educational institutions, establishing preferences in choosing such personnel, defining their functions, and directing and guiding the establishment of rules and procedures by the Administrator.

Subsec. (a)(3)(E). Pub. L. 97-295 substituted "(20 U.S.C. 1070e-1)" for " ", as amended".

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

EFFECTIVE DATE

Section effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as an Effective Date of 1974 Amendment note under section 1652 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2014 of this title.

§ 244. Utilization of other agencies

In carrying out the purposes of this subchapter, the Administrator shall—

(1) arrange with the Secretary of Labor for the State employment service to match the particular qualifications of an eligible veteran or eligible dependent with an appropriate job or job training opportunity, to include where possible, arrangements for outstationing the State employment personnel who provide such assistance at appropriate facilities of the Veterans' Administration;

(2) in consultation with the Secretary of Labor, actively seek to promote the development and establishment of employment, training, and other opportunities for veterans, with particular emphasis on the needs of veterans with service-connected disabilities and other eligible veterans, taking into account applicable rates of unemployment and the employment emphases set forth in chapter 42 of this title;

(3) cooperate with and use the services of any Federal department or agency or any State or local governmental agency or recognized national or other organization;

(4) where appropriate, make referrals to any Federal department or agency or State or local governmental unit or recognized national or other organization;

(5) at the Administrator's discretion, furnish available space and office facilities for the use of authorized representatives of such governmental unit or other organization providing services; and

(6) conduct and provide for studies in consultation with appropriate Federal departments and agencies to determine the most effective program design to carry out the purposes of this subchapter.

(Added Pub. L. 91-219, title II, § 214(a), Mar. 26, 1970, 84 Stat. 85, § 243, renumbered § 244, and amended Pub. L. 93-508, title II, § 214(4), (5), Dec. 3, 1974, 88 Stat. 1587, 1588; Pub. L. 96-466, title V, § 501, Oct. 17, 1980, 94 Stat. 2202; Pub. L. 99-576, title VII, § 701(19), Oct. 28, 1986, 100 Stat. 3292.)

AMENDMENTS

1986—Par. (5), Pub. L. 99-576 substituted "the Administrator's" for "his".

1980—Pub. L. 96-466 added par. (2) and redesignated former pars. (2) to (5) as (3) to (6), respectively.

1974—Pub. L. 93-508, § 214(5), in provisions preceding par. (1), substituted "the Administrator shall" for "the Administrator may", and in par. (5), substituted "conduct and provide for studies in" for "conduct studies in".

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, see section 802(e) of Pub. L. 96-466, set out as a note under section 2001 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 1652 of this title.

§ 245. Report to Congress

The Administrator shall include in the annual report to the Congress required by section 214 of this title a report on the activities carried out under this subchapter, each report to include an appraisal of the effectiveness of the programs authorized herein and recommendations for the improvement or more effective administration of such programs.

(Added Pub. L. 91-219, title II, § 214(a), Mar. 26, 1970, 84 Stat. 85, § 244, renumbered § 245, Pub. L. 93-508, title II, § 214(4), Dec. 3, 1974, 88 Stat. 1587.)

CHANGE OF NAME

Reference to Administrator deemed to refer to Secretary of Veterans Affairs pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

§ 246. Veterans cost-of-instruction payments to institutions of higher learning

(a)(1) During the period beginning on July 1, 1972, and ending on September 30, 1979, each institution of higher learning shall be entitled to a payment under, and in accordance with, this section during any fiscal year if—

(A) the number of persons who are veterans receiving vocational rehabilitation under chapter 31 of this title or veterans receiving educational assistance under chapter 34 of this title, and who are in attendance as undergraduate students at such institution during any academic year, equals at least—

(i) 110 percent of the number of such recipients who were in attendance at such institution during the preceding academic year, or

(ii) 10 percent of the total number of undergraduate students in attendance at such institution during such academic year and if such number does not constitute a percent of such undergraduate students which is less than such percent for the preceding academic year; and

(B) the number of such persons is at least 25.

(2) During the period specified in paragraph (1) of this subsection, each institution which has qualified for a payment under this section for any fiscal year shall be entitled during the succeeding year, notwithstanding such paragraph (1), to a payment under and in accordance with this section, if the number of persons referred to in such paragraph (1) equals at least the number of such persons who were in attendance at such institution during the preceding academic year or equals at least the minimum number of such persons necessary to establish eligibility to entitlement under such paragraph (1) during the preceding academic year, whichever is the lesser. Each institution which is entitled to a payment for any fiscal year by reason of the preceding sentence shall

be deemed, for the purposes of any such year succeeding the year for which it is so entitled, to have been entitled to a payment under such paragraph (1) during the preceding fiscal year.

(3) With respect to any academic year beginning on or after July 1, 1978, and ending on or before September 30, 1980, each institution which has qualified for payment under this section for the preceding year shall be entitled during such period, notwithstanding the provisions of paragraph (1)(A), to a payment under this section if—

(A) the number of persons referred to in paragraph (1) equals at least the number which bears the same ratio to the number of such recipients who were in attendance at such institution during the first academic year in which the institution was entitled to payments under this section as the number of such recipients in all institutions of higher learning during the same academic year for which the determination is made bears to the number of such recipients in all institutions of higher learning for the first such academic year; or

(B) in the event that clause (A) of this paragraph is not satisfied, the Administrator determines, on the basis of evidence presented by such institution, that such institution is making reasonable efforts, taking into consideration the extent to which the number of persons referred to in such paragraph (1) falls short of meeting the ratio criterion set forth in such clause (A), to continue to recruit, enroll, and provide necessary services to veterans.

(b)(1) The amount of the payment to which any institution shall be entitled under this section for any fiscal year shall be—

(A) \$300 for each veteran receiving vocational rehabilitation under chapter 31 of this title, or educational assistance under chapter 34 of this title, who is in attendance at such institution as an undergraduate student during such year; and

(B) in addition, \$150, except in the case of a veteran on behalf of whom the institution has received a payment in excess of \$150 under section 419¹ of the Higher Education Act of 1965 (20 U.S.C. 1070e) for each veteran who has been the recipient of educational assistance under subchapter V or subchapter VI of chapter 34 of this title and who is in attendance at such institution as an undergraduate student during such year.

(2) In any case where a veteran on behalf of whom a payment is made under this section is enrolled in an institution on less than a full-time basis, the amount of the payment on behalf of such veteran shall be reduced in proportion to the degree to which such veteran is not enrolled on a full-time basis.

(c)(1) An institution of higher education shall be eligible to receive the payment to which it is entitled under this section only if it makes application therefor to the Administrator. An application under this section shall be submitted at such time or times, in such manner, in such

form, and containing such information as the Administrator determines necessary to carry out the functions assigned to the Administrator under this section, and shall—

(A) meet the requirements set forth in clauses (A) and (B) of section 419(c)(1)¹ of the Higher Education Act of 1965 (20 U.S.C. 1070e(c)(1));

(B) set forth such plans, policies, assurances, and procedures as will ensure that the applicant will make an adequate effort—

(i) to maintain a full-time office of veterans' affairs which has responsibility for veterans' outreach, recruitment, and special education programs, including the provisions of educational, vocational, and personal counseling for veterans,

(ii) to carry out programs designed to prepare educationally disadvantaged veterans for postsecondary education (I) under subchapter V of chapter 34 of this title, and (II) in the case of any institution located near a military installation, under subchapter VI of such chapter 34,

(iii) to carry out active outreach (with special emphasis on educationally disadvantaged veterans), recruiting, and counseling activities through the use of funds available under federally-assisted work-study program (with special emphasis on the veteran-student services program under section 1685 of this title), and

(iv) to carry out an active tutorial assistance program (including dissemination of information regarding such program) in order to make maximum use of the benefits available under section 1692 of this title.

Notwithstanding clause (B) of the preceding sentence, an institution with less than 2,500 students in attendance which the Administrator determines, in accordance with regulations jointly prescribed by the Administrator and the Secretary of Education, cannot feasibly itself carry out any or all of the programs set forth in subclauses (i) through (iv) of clause (B) of the preceding sentence, may carry out such program or programs through a consortium agreement with one or more other institutions of higher education, and shall be required to carry out such programs only to the extent that the Administrator determines, in accordance with regulations jointly prescribed by the Administrator and the Secretary of Education, is appropriate in terms of the number of veterans in attendance at such institution. The adequacy of efforts to meet the requirements of such clause (B) shall be determined by the Administrator, in consultation with the Secretary of Education, based upon criteria established in regulations jointly prescribed by them.

(2) The Administrator shall not approve an application under this subsection unless the Administrator determines that the applicant will implement the requirements of clause (B) of paragraph (1) of this subsection within the first academic year during which such institution receives a payment under this section.

(d)(1) The Administrator shall pay to each institution of higher learning which has had an application approved under subsection (c) of

¹ See References in Text note below.

this section the amount to which it is entitled under this section. Payments under this subsection shall be made in not less than three installments during each academic year and shall be based on the actual number of veterans on behalf of whom such payments are made in attendance at the institution at the time of the payment.

(2) The maximum amount of payments to any institution of higher learning, or any branch thereof which is located in a community which is different from that in which the parent institution thereof is located, in any fiscal year, shall be \$135,000. In making payments under this section for any fiscal year, the Administrator shall apportion the appropriation for making such payments, from funds which become available as a result of the limitation on payments set forth in the preceding sentence, in such a manner as will result in the receipt by each institution which is eligible for a payment under this section of first \$9,000 (or the amount of its entitlement for that fiscal year, whichever is the lesser) and then additional amounts up to the limitation set forth in the preceding sentence.

(e) Not less than 75 percent of the amounts paid to any institution under subsection (d) of this section in any fiscal year shall be used to implement the requirement of clause (B)(i) of paragraph (1) of subsection (c) of this section, and, to the extent that such funds remain after implementing such requirements, funds limited by such 75 percent requirement shall be used for implementing the requirements of clauses (B)(ii), (iii), and (iv) of such paragraph (1), except that the Administrator may, in accordance with criteria established in regulations jointly prescribed by the Administrator and the Secretary of Education, waive the requirement of this subsection to the extent that the Administrator finds that such institution is adequately carrying out all such requirements without the necessity for such application of such amount of the payments received under this subsection.

(f) The Administrator, in carrying out the provisions of this section, shall seek to assure the coordination of programs assisted under this section with programs carried out by the Secretary of Education pursuant to the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and the Secretary shall provide all assistance, technical consultation, and information otherwise authorized by law as necessary to promote the maximum effectiveness of the activities and programs assisted under this section.

(g) The program provided for in this section shall be administered by an identifiable administrative unit in the Veterans' Administration.

(Added Pub. L. 95-202, title III, § 310(b)(1), Nov. 23, 1977, 91 Stat. 1446, and amended Pub. L. 95-336, § 6(b), Aug. 4, 1978, 92 Stat. 453; Pub. L. 97-295, § 4(8), Oct. 12, 1982, 96 Stat. 1305.)

REFERENCES IN TEXT

Subchapter VI of chapter 34 of this title, referred to in subsecs. (b)(1)(B) and (c)(1)(B)(ii), was repealed by Pub. L. 96-466, title VI, § 601(a)(1), Oct. 17, 1980, 94 Stat. 2208.

The Higher Education Act of 1965, referred to in subsecs. (b)(1)(B), (c)(1)(A), and (f), is Pub. L. 89-329,

Nov. 8, 1965, 79 Stat. 1219, as amended, which is classified principally to chapter 28 (§ 1001 et seq.) of Title 20, Education. Section 419 of the Act was renumbered section 420 by Pub. L. 98-558, title VIII, § 801(b)(1), Oct. 30, 1984, 98 Stat. 2902, and was classified to section 1070e of Title 20. Section 420 of the Act was subsequently omitted in the general revision of part A of title IV of the Act by Pub. L. 99-498, title IV, § 401(a), Oct. 17, 1986, 100 Stat. 1308, and a new section 420 was added and is classified to section 1070e of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

AMENDMENTS

1982—Subsec. (a)(1)(A)(i), (ii). Pub. L. 97-295, § 4(8)(A), substituted "percent" for "per centum" wherever appearing.

Subsec. (b)(1)(B). Pub. L. 97-295, § 4(8)(C), inserted "(20 U.S.C. 1070e)" after "Act of 1965".

Subsec. (c)(1). Pub. L. 97-295, § 4(8)(B), (D), inserted "(20 U.S.C. 1070e(c)(1))" after "Act of 1965" in cl. (A), and substituted "Secretary of Education" for "Commissioner of Education, Department of Health, Education, and Welfare" and "Commissioner of Education", wherever appearing in provisions following cl. (B).

Subsec. (e). Pub. L. 97-295, § 4(8)(A), (B), substituted "percent" for "per centum" wherever appearing, and substituted "Secretary of Education" for "Commissioner of Education".

Subsec. (f). Pub. L. 97-295, § 4(8)(B), (E), substituted "Secretary of Education" for "Commissioner of Education", inserted "(20 U.S.C. 1001 et seq.)" after "Act of 1965", and substituted "the Secretary shall" for "the Commissioner shall".

1978—Subsec. (a)(3). Pub. L. 95-336 added par. (3).

CHANGE OF NAME

References to Administrator and to Veterans' Administration deemed to refer to Secretary of Veterans Affairs and to Department of Veterans Affairs, respectively, pursuant to section 10 of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 201 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 6(c) of Pub. L. 95-336 provided that: "The amendments made by this section [amending this section and section 1070e-1 of Title 20, Education] shall be effective with respect to payments to which institutions are entitled as of June 30, 1978."

EFFECTIVE DATE

Section 310(b) of Pub. L. 95-202, as amended by section 301 of Pub. L. 96-88, provided in part that this section is effective on the date on which the Secretary of Education transfers to the Administrator of Veterans' Affairs, under the authority of section 310(a) of Pub. L. 95-202 [set out as a note below], all functions, powers, and duties assigned to the Secretary under section 420 [renumbered 420A] of the Higher Education Act of 1965 [see Prior Provisions note set out under section 1070e-1 of Title 20, Education] and that such section is superseded as of that date.

TRANSFER OF VETERANS' COST-OF-INSTRUCTION PROGRAM FROM SECRETARY OF EDUCATION

Section 310(a) of Pub. L. 95-202, as amended by section 301 of Pub. L. 96-88, provided that: "Notwithstanding any other provision of law, (1) the Administrator of Veterans' Affairs is authorized to administer, pursuant to an interagency agreement, the programs carried out under the provisions of section 420 [renumbered 420A] of the Higher Education Act of 1965 [section 1701c-1 of Title 20, Education]; (2) the Secretary is authorized to enter into such interagency agreement to transfer to the Administrator the functions, powers, and duties of the Secretary under such

section; and (3) pursuant to any such agreement, funds appropriated to the Department of Education for the purpose of carrying out such section shall be transferred from the Department to the Veterans' Administration for use for the purposes for which such funds are authorized and appropriated. Any such agreement shall provide, for such period of time as may be agreed upon by the Secretary and the Administrator, for such appropriate technical and support assistance by the Secretary as the Secretary and the Administrator agree are necessary to facilitate the implementation of this section (enacting this section and provisions set out as an Effective Date note above)."

PART II—GENERAL BENEFITS

Chap.		Sec.
11.	Compensation for Service-Connected Disability or Death.....	301
13.	Dependency and Indemnity Compensation for Service-Connected Deaths.....	401
15.	Pension for Non-Service-Connected Disability or Death or for Service.....	501
17.	Hospital, Nursing Home, Domiciliary, and Medical Care.....	601
19.	Insurance.....	701
21.	Specially Adapted Housing for Disabled Veterans.....	801
23.	Burial Benefits.....	901
24.	National cemeteries and memorials.....	1000

AMENDMENTS

1976—Pub. L. 94-581, title II, § 203(a), Oct. 21, 1976, 90 Stat. 2856, inserted "Nursing Home," in item for chapter 17.

1973—Pub. L. 93-43, § 2(b), June 18, 1973, 87 Stat. 78, added item for chapter 24.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in title 42 section 3013.

CHAPTER 11—COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER I—GENERAL

Sec.	
301.	Definitions.
302.	Special provisions relating to surviving spouses.

SUBCHAPTER II—WARTIME DISABILITY COMPENSATION

310.	Basic entitlement.
311.	Presumption of sound condition.
312.	Presumptions relating to certain diseases and disabilities.
313.	Presumptions rebuttable.
314.	Rates of wartime disability compensation.
315.	Additional compensation for dependents.

SUBCHAPTER III—WARTIME DEATH COMPENSATION

321.	Basic entitlement.
322.	Rates of wartime death compensation.

SUBCHAPTER IV—PEACETIME DISABILITY COMPENSATION

331.	Basic entitlement.
332.	Presumption of sound condition.
333.	Presumptions relating to certain diseases.
334.	Rates of peacetime disability compensation.
335.	Additional compensation for dependents.
[336.]	Repealed.]
337.	Wartime presumptions for certain veterans.

SUBCHAPTER V—PEACETIME DEATH COMPENSATION

341.	Basic entitlement.
------	--------------------

Sec.	
342.	Rates of peacetime death compensation.
[343.]	Repealed.]

SUBCHAPTER VI—GENERAL COMPENSATION PROVISIONS

351.	Benefits for persons disabled by treatment or vocational rehabilitation.
352.	Persons heretofore having a compensable status.
353.	Aggravation.
354.	Consideration to be accorded time, place, and circumstances of service. ¹
355.	Authority for schedule for rating disabilities.
[356.]	Repealed.]
357.	Combination of certain ratings.
358.	Disappearance.
359.	Protection of service connection.
360.	Special consideration for certain cases of loss of paired organs or extremities.
361.	Payment of disability compensation in disability severance cases.
362.	Clothing allowance.
363.	Temporary program for trial work periods and vocational rehabilitation for certain veterans with total disability ratings.

AMENDMENTS

1986—Pub. L. 99-576, title I, § 109(a)(2), Oct. 28, 1986, 100 Stat. 3253, amended item 360 generally, substituting "loss of paired organs or extremities" for "blindness or bilateral kidney involvement or bilateral deafness".

1984—Pub. L. 98-543, title I, § 111(a)(2), Oct. 24, 1984, 98 Stat. 2739, added item 363.

1982—Pub. L. 97-295, § 4(9), Oct. 12, 1982, 96 Stat. 1305, added item 361.

1976—Pub. L. 94-433, title IV, §§ 401(1), 404(5), Sept. 30, 1976, 90 Stat. 1377, 1378, substituted "surviving spouses" for "widows" in item 302 and struck out item 356 "Minimum rating for arrested tuberculosis".

1974—Pub. L. 93-295, title II, § 206(c), May 31, 1974, 88 Stat. 183, struck out item 343 "Conditions under which wartime rates payable".

1972—Pub. L. 92-328, title I, §§ 103(b), 108(d), June 30, 1972, 86 Stat. 394, 396, struck out item 336 "Conditions under which wartime rates payable" and added item 362.

1970—Pub. L. 91-376, § 3(c), Aug. 12, 1970, 84 Stat. 789, inserted reference to disabilities in item 312.

1966—Pub. L. 89-358, § 7(b), Mar. 3, 1966, 80 Stat. 27, added item 337.

1965—Pub. L. 89-311, § 3(c), Oct. 31, 1965, 79 Stat. 1155, inserted reference to bilateral deafness in item 360.

1962—Pub. L. 87-610, § 2, Aug. 28, 1962, 76 Stat. 406, added item 360.

1960—Pub. L. 86-501, § 2, June 10, 1960, 74 Stat. 195, added item 359.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 106, 107, 410, 415, 612, 801, 1502, 1685, 1701, 1901, 2013, 3103A, 3110 of this title; title 10 sections 1086, 1437, 1446, 1450; title 31 section 3803; title 42 section 6862.

SUBCHAPTER I—GENERAL

§ 301. Definitions

For the purposes of this chapter—

(1) The term "veteran" includes a person who died in the active military, naval, or air service.

(2) The term "period of war" includes, in the case of any veteran—

¹ So in original. Does not conform to section catchline.